



Email: committeeservices@horsham.gov.uk
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Planning Committee (North)

Tuesday, 4th July, 2023 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Mike Wood
Warwick Hellowell	Tricia Youtan
Tony Hogben	
Alex Jeffery	

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
To approve as correct the minutes of the meeting held on Tuesday 6 June 2023 (<i>Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.</i>)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

To consider the following reports of the Head of Development & Building Control and to take such action thereon as may be necessary:

5. **Appeals** 13 – 14
Applications for determination by Committee:
6. **DC/22/1954 Greenway Academy, Greenway, Horsham** 15 - 40
Ward: Trafalgar
Applicant: Reds10 (UK) Ltd (on behalf of the Department for Education)
7. **DC/22/2229 Leonardslee Gardens, Brighton Road, Lower Beeding** 41 - 74
Ward: Nuthurst and Lower Beeding
Applicant: Mr Adam Streeter
8. **DC/23/0085 Coomers Farm, Wimland Road, Faygate** 75 - 86
Ward: Colgate and Rusper
Applicant: Mr and Mrs John Heydon, and Mrs E Cockram
9. **DC/23/0304 Cemetery Lodge, Guildford Road, Horsham** 87 - 94
Ward: Denne
Applicant: Horsham District Council
10. **DC/23/0638 Ben's Field, Staker's Lane, Southwater, Horsham** 95 - 102
Ward: Southwater South and Shipley
Applicant: Mr Justin Tyler, Southwater Parish Council
11. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

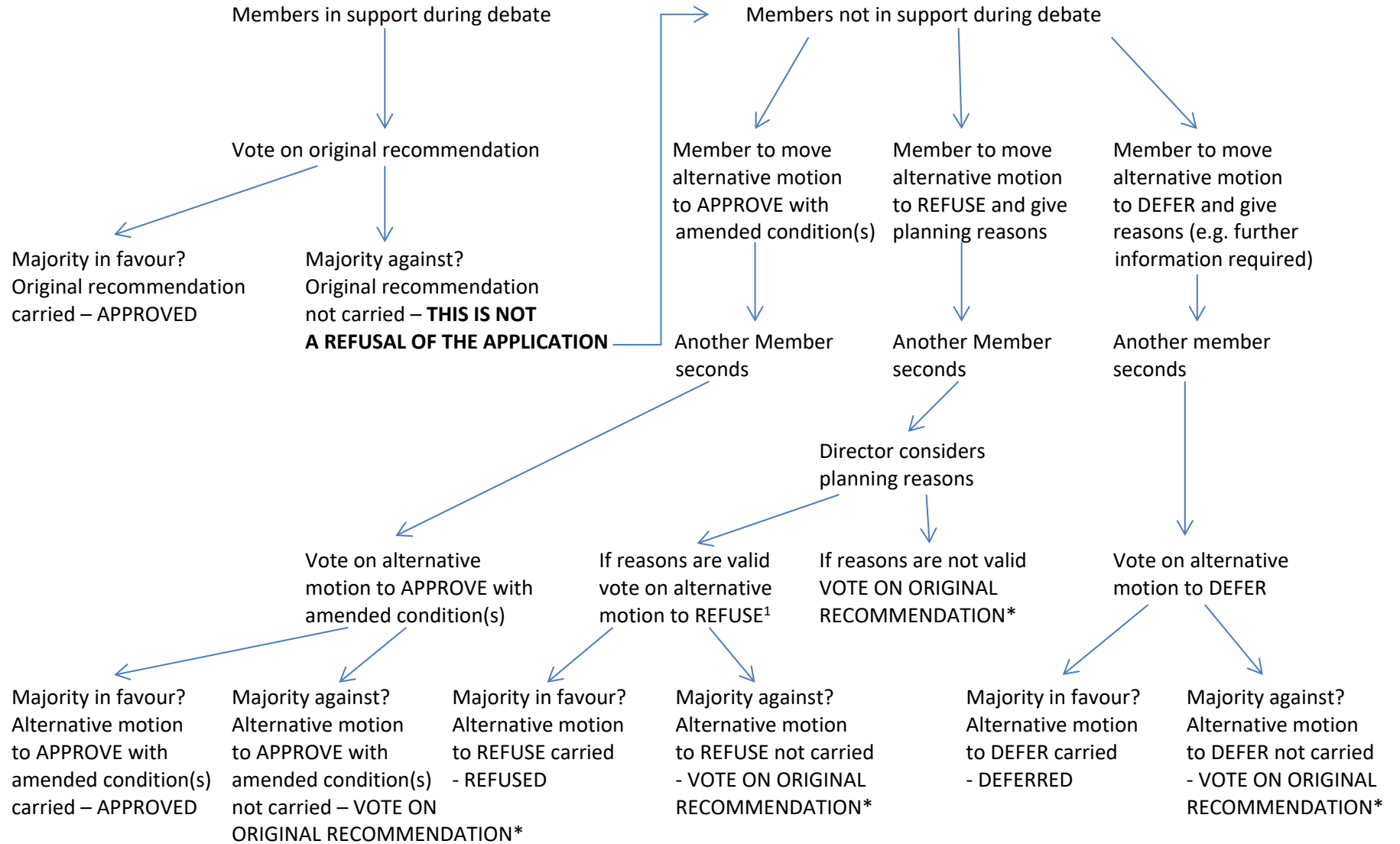
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 5 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

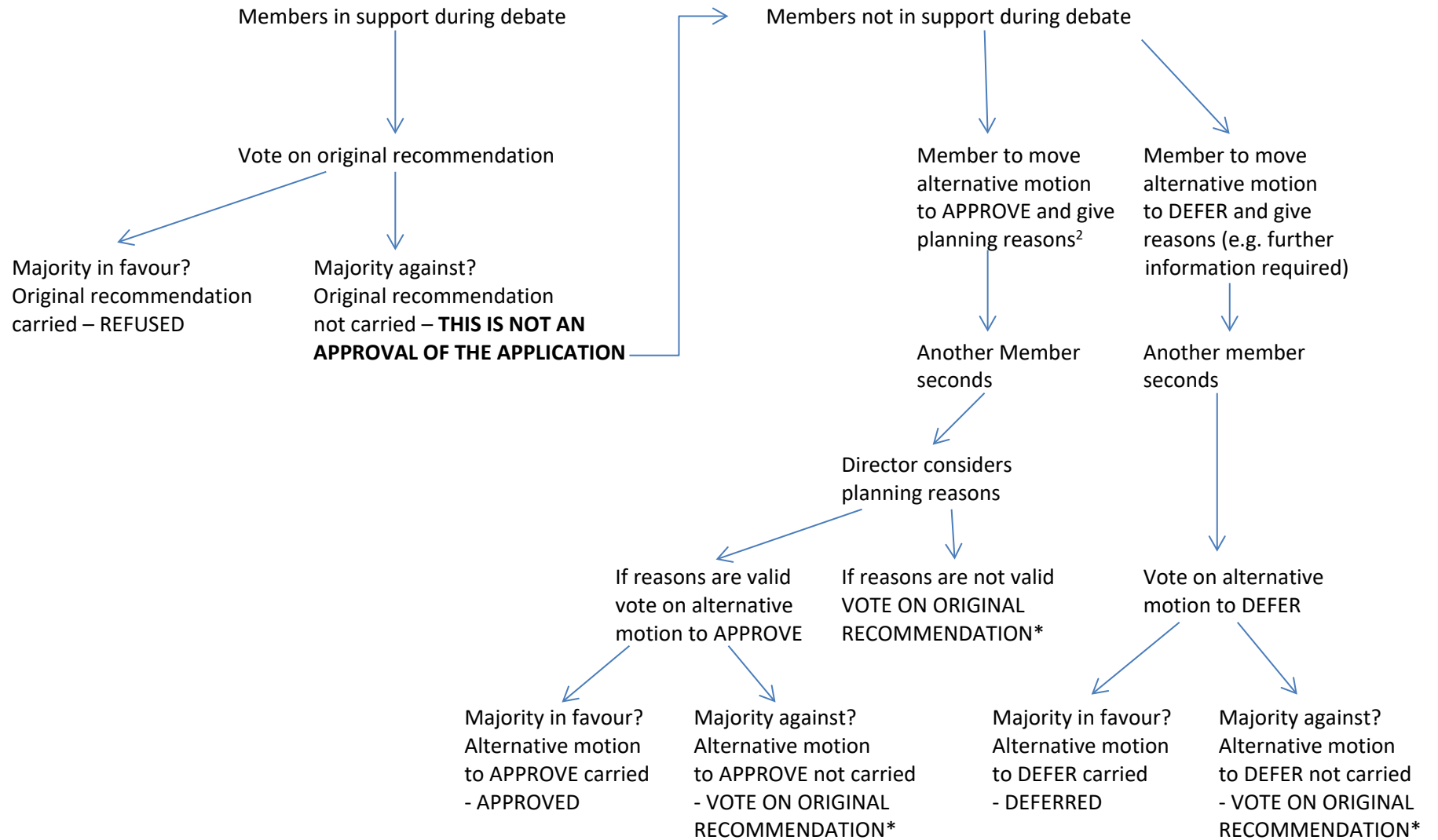
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
6 JUNE 2023

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Colette Blackburn, Martin Boffey, James Brookes, Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Kasia Greenwood, Warwick Hellowell, Tony Hogben, Alex Jeffery, Liz Kitchen, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Jon Olson, Sam Raby, David Skipp, Jonathan Taylor, Clive Trott, Mike Wood and Tricia Youtan

Apologies: Councillors: Chris Franke, Anthony Frankland, Nick Grant and Richard Landeryou

PCN/4 **MINUTES**

The minutes of the meeting held on 4 April and 24 May were approved as a correct record and signed by the Chairman.

PCN/5 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/22/2313 Councillor Jon Olson declared a personal interest in this item as he knew an acquaintance near the property.

DC/22/2313 Councillor Len Ellis-Brown declared a personal interest in this item as he is a Parish Councillor for Pulborough and has been involved in the development of the Neighbourhood Plan.

DC/22/2368 Councillor Ruth Fletcher declared a personal interest in this item as she had been greatly involved in the application. She spoke as a Ward Councillor and left the room for the debate and vote.

PCN/6 **ANNOUNCEMENTS**

There were no announcements.

PCN/7 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions as circulated were noted.

PCN/8 **DC/22/0096 ROUNDSTONE PARK, WORTHING ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this application sought permission for the erection of 36 two-storey retirement living apartments and six retirement cottages, including a Lodge Manager's office, communal facilities, a guest suite, parking and landscaping.

The planning application was considered at the April Planning North committee and deferred to explore options for further pedestrian improvements to Worthing Road and consider more disabled and visitor parking spaces.

Amended details had been submitted to address the deferral reasons to include three additional parking spaces amounting to 28 spaces, of which six were allocated for disabled/accessible and one for visitors.

The application site was located within the built-up area of Southwater, north of the village centre. It comprised the former sales and servicing area for Roundstone Caravans, which had vacated the site. The vehicular access provided access to the Park Homes site to the east.

Since the April Planning North Committee, two additional objections had been received to the proposal.

A representative of the Parish Council was broadly supportive but raised a number of concerns to aspects of the application.

Members acknowledged that some points raised at the April committee had been addressed. A number of concerns were still raised regarding the number of visitor parking spaces provided on the development site and the risk of overspill parking and increased traffic issues on nearby Worthing Road.

West Sussex County Council Highways had investigated the site and advised that a zebra crossing or yellow lines were not feasible in this location nor a new pedestrian refuge island. Members felt if the application was approved regular parking assessments should take place and yellow lines introduced if necessary.

It was also felt that although the additional parking spaces provided were welcomed, the provision of additional visitor parking spaces was important and should be incorporated as an amendment to condition 21 to provide an amended parking layout plan.

Members also discussed the importance of providing appropriate numbers of new tree provision on and off site which the Parish representative had also raised.

In accordance with the Southwater Neighbourhood Plan Policy (SNP18) a minimum of 42 new trees should be provided on site and it was agreed that an amendment to condition 16 (landscaping) would be added.

RESOLVED

That Planning Application DC/22/0096 be approved in accordance with Officer recommendation and subject to completion of a Section 106 Legal Agreement and the following:

- (i) A post occupation obligation in the legal agreement to undergo parking surveys on the immediate section of Worthing Road to assess the impact of the proposed development. To amend the TRO to provide yellow lines, if required as a result of the surveys.
- (ii) To amend the Condition 16 (landscaping) to require a minimum of 42 new trees to be provided. Reason for condition to refer to Southwater Neighbourhood Plan Policy SNP18.
- (iii) To amend Condition 21 to state that, notwithstanding the submitted details, an amended vehicle parking layout is to be submitted indicating additional visitor spaces.

PCN/9 **DC/22/2313 SUSSEX HOUSE, NORTH STREET, HORSHAM**

The Head of Development & Building Control reported that this application sought to amend Variation of Condition 1 relating to the external elevations of the property of previously approved application DC/21/0207. DC/21/0207 was for the construction of two ground floor flats with associated alterations including external alterations to the additional floor approved under DC/21/0236.

Following the granting of permission for DC/21/0207 works had not been completed in accordance with the planning permission and this current application sought retrospective permission to retain the appearance of the building and car park areas with some proposed additional work to improve the building appearance.

Since publication of the report concurrent application DC/23/0576 had been submitted for amendments to consider the principle of the additional floor with increased height and this was approved.

The application site related to a four-storey building on the south-eastern side of North Street, Horsham converted into 30 flats with car parking. The front elevation into North Street includes balconies and top floor flats include balconies to the side. The surrounding area is characterised by residential and commercial buildings and properties.

The Neighbourhood Council and Horsham Society objected to the proposal. There had been 12 representations received from 9 separate households objecting to the proposals.

The agent spoke in support of the application and three speakers spoke in objection.

Members acknowledged that residents had been greatly affected by the multiple applications, appeals and disruption on the site and greater consultation should have taken place with the council's planning department.

It was felt that even though the balcony screen panels were 1.65 metres high and restricted some overlooking, neighbouring residents were affected with the balconies being used as outdoor amenity areas. Concerns were raised regarding sound, noise and outdoor lighting and it was felt the balconies were out of keeping for the area.

It was proposed and seconded to refuse the application.

RESOLVED

That planning application DC/22/2313 be refused contrary to officer recommendation for the following reason:

The south west facing balconies serving the top floor, result in overlooking and a noise impact resulting in loss of amenity to the adjacent residents on Norfolk Road, contrary to Policy 33 of the Horsham District Planning Framework 2015.

PCN/10 **DC/23/0338 ACACIA HOUSE, 110 MANOR FIELDS, HORSHAM**

The Head of Development and Building Control reported that this application sought planning permission to convert an existing eight bedroom dwelling in to four one-bedroom self-contained flats for supported living for adults (C3 use).

Each flat would have a living room, kitchen, bedroom and wet room/bathroom. A staff area consisting of an office and staff WC would be accessed via a new door on the southern elevation and it was anticipated that residents would be supported by four staff during the day and two overnight.

Some minor elevation amendments were proposed to the dwelling and the existing brick paved driveway extended to provide additional parking spaces for four-five cars. An existing shed would be removed and a bin store created.

The site is located within the Built-Up-Area boundary of Horsham. To the south of the site across the road is Owlbeech and Leechpool Woods which fall within the High Weald Area of Outstanding Natural Beauty.

The Parish Council objected to the proposal and eleven letters of objection had been received from eight addresses.

Since the publication of the committee report further comments had been received from the NHS Integrated Care Board for Sussex and West Sussex County Council Adults and Health Directorate both supporting the application.

Two representatives from the Charity providing the assisted living spoke in support of the proposal.

Members were broadly supportive of the proposal and recognised the need for accommodation to support independent living. Concerns were raised regarding the proposed plans for parking, however West Sussex County Highways regarded the 4-5 spaces available on the site sufficient for the proposal without a significant impact on the local neighbourhood.

A number of Members felt that cycle parking facilities located in the rear garden of the proposal were inaccessible to users and wanted these re-considered as a condition if the application was approved.

RESOLVED

That DC/23/0338 be approved in accordance with Officer recommendation subject to the following:

Amendment to Condition 6 (Cycle Parking) to state: not withstanding submitted details, amended details of cycle parking to be submitted to be agreed by Local Planning Authority in consultation with local Members.

PCN/11 **DC/23/0354 MORRISWOOD, OLD HOLBROOK, HORSHAM**

This application was withdrawn.

PCN/12 **DC/22/2368 PARK PLACE, HORSHAM**

The Head of Development & Building Control reported that this application sought planning permission for an enclosed bin store and associated soft landscaping for Piries Place Car Park.

The bin store would serve the adjoining flats at Burton's Court, Horsham and located in Park Place sited next to Piries Place car park. The bin store would be brick built with 2.5 high walls, no roof was proposed. Landscaping was

proposed in the vicinity of the bin store to include box level planters and a new tree.

The site is located within Horsham town centre directly adjacent to Piries Place car park, the bin stores would serve 33 adjoining flats. The site is close to a number of shops and other services along Park Place as well as residential flats above the shops.

Since the publication of the committee report Condition 6 was amended to read that details of any lighting were required not just internal lighting.

Following amended plans, the Neighbourhood Council raised no objection to the proposal. Two representations of objection and one letter of support had been received from local residents.

One speaker spoke in objection at the meeting.

Members acknowledged that local business and residents of Burton's Court had endured huge disruption over the last few years whilst Piries Place Car Park was built. Current bin arrangements were not suitable and other alternative options had been considered however were not appropriate.

Members accepted the proposal would provide a functional permanent structure and landscaping proposals would blend into the wider street scene. The new bin store would also result in the removal of the current poorly located and unsightly bins.

RESOLVED

That DC/22/2368 be approved in accordance with officer recommendation and the following:

Amend Condition 6 (lighting) to remove the word 'internal'.

The meeting closed at 8.13 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 4th July 2023



**Horsham
District
Council**

Report on Appeals: 24/05/2023 – 21/06/2023

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/22/1878	36 Warren Drive, Southwater, Horsham, West Sussex, RH13 9GL	01/06/2023	Application Refused	Application Refused
DC/22/1775	Hunters Oak, Faygate Lane, Faygate, Horsham, West Sussex, RH12 4SJ	07/06/2023	Application Refused	N/A
EN/23/0123	Beckley Stud, Reeds Lane, Southwater, Horsham, West Sussex, RH13 9DQ	13/06/2023	Notice served	N/A
DC/22/0388	Beckley Stud, Reeds Lane, Southwater, Horsham, West Sussex, RH13 9DQ	13/06/2023	Application Refused	N/A
DC/22/2125	Tanglewood, Forest Grange, Horsham, West Sussex, RH13 6HX	14/06/2023	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/22/1052	Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath, Horsham, West Sussex, RH12 3LR	Public Inquiry	13/06/2023	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/1187	Honeywood House, Horsham Road, Rowhook, Horsham, West Sussex, RH12 3QD	Written Representation	Appeal Dismissed	Application Refused	N/A
EN/22/0026	Warren Wood, Hammerpond Road, Plummers Plain, West Sussex	Informal Hearing	Withdrawn	Notice served	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th July 2023

DEVELOPMENT: Demolition of existing school buildings and the construction of a new part two storey, part single storey teaching block with external play areas, canopy, photovoltaic panels, and landscaping.

SITE: Greenway Academy, Greenway, Horsham, West Sussex, RH12 2JS

WARD: Trafalgar

APPLICATION: DC/22/1954

APPLICANT: **Name:** - **Address:** 129-130 Metal Box Factory 30 Great Guildford Street London SE1 0HS

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the phased demolition of the existing primary school buildings and phased construction of a new modular part 1 storey and part 2 storey school teaching block with external play areas, along with plant, solar panels and green roof and a canopy in the southwest corner of the application site, along with associated landscaping. An existing modular classroom block (Block EFA-F) on the site containing 4 classrooms is to be retained as well as a nursery building in the northeast part of the site (Block EFA-C).
- 1.3 The buildings that are to be demolished have a Gross Internal Floor Area (GIFA) of 2,623m² and comprise:
- EFA-A – Main Building + Pool + Basement Plant Room, GIFA of 2,004m²
 - EFA-B – Year 3 Classroom, Staff Room, Admin, Cloaks, GIFA of 428m²
 - EFA-D – Teaching Rooms, GIFA of 102m²
 - EFA-E – Teaching Rooms, GIFA of 89m²

- 1.4 The proposed new two storey building is to have a GIFA of 2,306m². The proposed floor plans are colour coded according to the proposed use of areas which have been designed in line with the school's specific brief as follows:
- **Blue Areas:** Administration areas (predominantly on the ground floor and to the east of the school building).
 - **Orange Areas:** teaching spaces (located either side of the central corridor. Specialist classrooms are provided with direct external access.
 - **Grey Areas:** Clustered toilet suites accessed directly from the corridor. Kitchen Area adjacent to the main hall (green area).
 - **Yellow Areas:** learning resource areas including ground floor SEN support resource and therapy room and first floor library and small group room.
 - **Green Area:** Double height hall to the south of the school with access to the north to the external playgrounds.
 - **Purple Areas:** Storage spread throughout the school
- 1.5 The proposed 'L' shape modular building (to be constructed off site) is part single storey and part two storey with a minimum height of approx. 4.7m (single storey element) and maximum height (two storey element) of approx. 7.5m to roof level, upon which are safety railings of 1.2m, and roof plant approx. 1.24m. The total width of the north and south elevations (as viewed across the east / west axis) measures approx. 41.16m, and the total width of the east and west elevations (as viewed across the north / south axis including the projecting porch at ground floor level) is approx. 54.3m.
- 1.6 The palette of materials at ground floor includes a robust range of brown and green panels. At first floor two different tone light grey panels (lighter than the panels at ground floor), along with green cladding is also proposed. The cladding colours reflect the colours in the school's logo. The supporting information describes the cladding material as being water resistant and resistant to rotting and warping; non-combustible and compliant with both DfE requirements (A2 s1 d0 fire rating), and UV fade resistant.
- 1.7 In addition to the teaching areas proposed the proposals include an outdoor learning area, external canopy, trim trail, and hard and soft external play area, including planting of a total of 17 new trees along the western boundary of the site. No changes are proposed to the main access, whilst the existing parking along the eastern side boundary will be retained. The access road will though branch off from the existing car park to provide a parking and turning area in front of the new building (along with 3x disabled bays), and four parking bays for the nursery building at the north eastern part of the site.
- 1.8 Greenway Academy, as existing, has been identified as part of DfE's 'Schools Rebuilding Programme'. A pre application design and review process involving the Multi Academy Trust (GLF Trust) alongside the Department for Further Education (DfE) and their technical advisers created a Specific Brief (SSB) and proposed schedule of accommodation for the Greenway Junior School, which formed a pre application submission for discussion and subsequent follow-ups with your Council Officers prior to submission of the full application. The accommodation schedule is based on the existing and required Junior School capacity of 480 pupils. No increase in the pupil capacity of the school is proposed.

DESCRIPTION OF THE SITE

- 1.9 The application site (approx. 2.5ha) falls within the Built-up Area Boundary of Horsham (BUAB) approximate 1 km northwest of Horsham Town Centre and to the north side of the public highway 'Greenway'. The site is accessed via an existing 3m vehicular access road at the southeast corner of the site, off Greenway. A 1.8m high weldmesh fence with a pedestrian and gated vehicular access to the southern and northern boundaries secures the perimeter of the site. The shared boundaries to the east and west of the site between the

school and rear gardens of neighbouring dwellings fronting Merryfield Drive and Churchill Avenue comprise timber fencing with various height lines. The topography of the land is relatively level within the central part but slopes down towards the west/northwest by approximately 3m. There is therefore an appreciable difference in land levels which rises by some 0.2m to 2.5m from the rear gardens of dwellings in Merryfield Drive, towards the site of the proposed school building to the west. The gardens of Merryfield Drive therefore sit at a lower level to the new school building as proposed.

- 1.10 The site itself comprises a complex of buildings dating from between the 1950's to 2010 and include a single storey irregular geometrical structure along with several interconnected single storey junior and a nursery school building (privately leased) which together occupy the east side and central parts of the application site with playing fields to the west. Cricket nets occupy the northeast corner of the site.
- 1.11 A small courtyard / hardstanding areas are located between the various wings of the existing irregular shaped school building; there is a school playground and rectangular 'pond' located adjacent to the east boundary of the application site. Remaining areas surrounding the existing school building are laid to grass and form part of the school's recreation areas and playing fields.
- 1.12 There are no formally designated area's relevant to the site (with exception of its location within the Sussex North Water Supply Zone), however there are several sporadic ancient/veteran trees to the north but outside of the application site boundaries. There is a double belt of mature trees along the southern boundary of the site, and a belt of trees along the northern boundary of the wider site adjacent to Larch End and bordering the recreation ground. There are two small clusters of trees (Oak, Blackthorn and Willow) within the central and west section of the school grounds. The site is surrounded by linear forms of residential development on all sides of its boundaries.
- 1.13 The application site lies in flood zone 1, however at its closet point (northwest corner) the site is approximately 62m to the northwest of an area identified as being within flood zone 2 and 3. A sewer runs also through the site from north to south which requires a 3m easement zone to either side. This has in part dictated where the new building is proposed to be located.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding
 Policy 39 - Strategic Policy: Infrastructure Provision
 Policy 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 41 - Community Facilities, Leisure, and Recreation

West Sussex Joint Minerals Local Plan (July 2018)

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Plan (December 2022).

HB1 Location of Development
 HB4 Design of Development
 HB5 Energy Efficiency of Development
 HB7 A Welcoming Public Realm
 HB10 Green and Blue Infrastructure and Delivering Biodiversity Net Gain
 HB12 Encouraging Sustainable Movement
 HB14 Community and Cultural Facilities

Supplementary Planning Guidance:
 Horsham Town Design Statement (2008)

Planning Advice Notes:
 Facilitating Appropriate Development
 Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/51/96	Erection of new nursery building Site: Greenway School Greenway Horsham	Application Permitted on 02.05.1996
HU/129/96	Extension to provide 2 classrooms Site: Greenway School Greenway Horsham	Application Permitted on 11.06.1996
HU/201/98	Double classroom unit Site: Greenway School Greenway Horsham	Application Permitted on 08.09.1998
DC/08/2548	Installation of twin lane non - turf cricket practice area with security cage and nets	Application Permitted on 03.02.2009
DC/11/2356	Retrospective application for surrounding playground walls; front entrance walls, railings, and piers. Proposed new shed, new wall and railings and new car parking area.	Application Refused on 26.06.2012
DC/17/1810	Demolition of existing double classroom demountable building and proposed erection of replacement four classroom modular building.	Application Permitted on 23.10.2017

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection (verbal)

- 3.3 **HDC Tree Officer:** No Objections subject to conditions
- 3.4 **HDC Environmental Health:** No Objection
[summary] No objection but note that in the event rainwater harvesting systems are necessary then conditions to secure the quality of the water and its management will be required.
- 3.5 **HDC Environmental Health (Air Quality):** No Objection
- 3.6 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

- 3.7 **WSSC Highways:** No Objection
[summary] *In highway terms there is not likely to be any impact above and beyond the school's current highway impact.*

Following subsequent receipt of a Construction Environment Management Plan (CEMP):
All of the LHA's comments from the response dated 28th February 2023 have been taken on board and included within the CEMP.

The attached plans taken from the CEMP show the tracking of a large HGV accessing the site, this now appears to not track across the grass verges on the opposite side of the road. The LHA note that the tracking goes through the gates and fencing in these plans. The LHA recommend that the gateways/ temporary accesses are made wider to accommodate this. All these details can be agreed with the local area highway office as part of a temporary access works application once planning consent has been granted.

- 3.8 **WSSC Fire Office:** Comment
Evidence is required to show a fire appliance can gain access to within 15% of the perimeter or within 45m of every point of the footprint of the new building in accordance with Approved Document – B (AD-B) Volume 1 - 2019 edition: B5 section 15. Access should also comply with the requirements of BB100 - Design for fire safety in schools, section 8.3.
- 3.9 **WSSC Flood Risk Management:** No Objection

- 3.10 **Ecology Consultant:** No Objection
[summary] *It is noted that no reptiles were recorded during the presence / likely absence survey and the eDNA test results were negative for Great Crested Newt (update ecology letter (Corylus Ecology, March 2023), Reptile Survey and Great Crested Newt eDNS Survey Report Corylus Ecology, October 2022)). In addition, terrestrial habitat suitable for reptiles is limited to a 1-3m wide swathe of bramble and tall grassland (update ecology letter (Corylus Ecology, March 2023)). We therefore agree that no further surveys are required for reptiles or for GCN. We support the use of reptile fencing around the site during the construction phase as a precautionary measure (update ecology letter (Corylus Ecology, March 2023)).*

It is noted that there are no mature trees on site and no potential roost features for bats were identified (Preliminary Ecological Appraisal (RSK Biocensus Ltd, September 2021)) and therefore agree no further surveys are required for bats'.

The mitigation measures identified in the update ecology letter (Corylus Ecology, March 2023), Reptile Survey and Great Crested Newt eDNS Survey Report Corylus Ecology, October 2022), Preliminary Ecological Appraisal (RSK Biocensus Ltd, September 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. We support the proposed reasonable biodiversity enhancements.

3.11 **Sports England:** No Objection

3.12 **Southern Water:** No Objection

3.13 **Natural England:** (standing advice) Objection

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

3.14 **Trafalgar Neighbourhood Council:** Comment

[summary] More imaginative use of colour and texture (greens and browns / tree bark) to ground floor materials; more curves would also make the building more appealing.

Support the use of the following:

- Full insulation for ambient temperature and sound
- Efficient and easy to use practical ventilation
- Maximising use of roof space with solar panel and green roof
- Verandas with water butts for sun/rain protection and water collection

Water Neutrality: maximum capacity of school and concerns regarding any future changes to pupil roll numbers in terms of increase in number of residential dwellings being built nearby and potential for any increase in school places and in regards to potential use of the school as a secondary school.

Outdoor lighting should be minimal and in a yellow / orange range rather than blue / white range so less intrusive.

Fully supports installation of poles and boxes for swift, house sparrow and / or starling (ecology).

The addition of further line of trees or a species rich native hedgerow along the western and northern boundaries with a mosaic of tall and shorter grassland would provide further opportunities for biodiversity and student engagement. Hedge planting around the perimeters and climbing plants that can support nature growing up the railings.

Enhancement of the green area adjacent to the drive would be welcomed along with planting of fruit and nut trees and bushes such as current or rhubarb in an eco-garden with a pond would be welcomed.

Neighbours

35 neighbour representation letters (from 28 different households) including 3 x 2 letters from same households and 4 letters following re-consultation from 4 separate households) have been received, of which 25 Object to the proposals on the following grounds:

- Size and location of new school building
- Impact on skyline of local area; concerns regarding two storey element and extended use of building by wider community outside of school hours
- Sufficient ground area for separate single storey buildings
- Construction traffic route
- Traffic concerns
- 5G mast proposed where the construction access also proposed
- Two storey design and use of materials in appropriate and out of character
- Close proximity and visibility from Merryfield Drive
- Loss of playing field and visual impact on surrounding area
- Highway access and parking
- Pedestrian safety during construction period
- School undersubscribed - parking issues will get worse if increase in pupil numbers
- Impacts on private amenity – overlooking and noise pollution
- School kitchen adjacent to Greenway Road would produce smells and noise
- Impact on property values
- Siting of school building close to residential properties in Merryfield Drive
- Proximity of SEN area to residential rear gardens in Merrifield Drive
- Size of proposed Greenway Academy Sign
- Shade
- Concerns regarding agents' consultation and notification process
- Loss of daylight and sunlight (worse in winter)
- Separation distances
- Flooding / waterlogging / water run off
- 250m³ Attenuation tank adjacent to property in Merryfield Drive
- Need for more trees
- External security lights / light pollution / amenity concerns
- Impact on wildlife and presence of Bats
- Discounted options for alternative location of school building
- BRE report not provided (sunlight / daylight)
- Potential CCTV and location
- Increase in ground levels proposed and impacts on gardens of Merryfield Drive
- Land level differences (school site and rear gardens of Merryfield Drive) and impacts on amenity
- Concerns regarding the location of the proposed hornbeam trees – heights and relationship to existing dwellings (5m from rear fence line) – liability risks concern regarding future subsidence

7 letters of Support have been received, citing:

- Environmental improvements
- Temporary buildings not welcomed
- Well insulated green building
- Positive community change
- Current proposals are sound and reasonable
- New school and facilities welcomed
- Modern construction and appropriate infrastructure
- Current building not fit for purpose
- School not increasing in size or pupil numbers

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues to consider in the determination of this application are the principle of the proposed development in land use terms; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the amenity of prospective and neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety; drainage/flooding; whether the development can be delivered without harming the biodiversity and ecology interests of the site; and water neutrality.

Principle of Development

- 6.2 HDPF Policies 42 and 43 relate specifically to the need for the provision of new or improved community facilities to help create a socially inclusive and adoptable environment to meet the long term needs of people with additional needs, including those with learning disabilities. HDPF Policy 43 goes on to set out that new or improved community facilities particularly where they meet the identified needs of local communities as indicated in relevant studies will be supported.
- 6.3 HBNP Policy HB1 (Location of Development) states that development within the Blueprint Neighbourhood Area should be focused within the Built-up Area Boundary, HBNP Policy HB14 (Community and Cultural Facilities) states that:

A. Proposals that would result in the loss of community and leisure facilities – in particular community halls and the library - will only be supported if alternative and equivalent facilities are provided. Such re-provision will be required to demonstrate that the replacement facility is:

- i. at least of an equivalent scale to the existing facility; and*
- ii. is in a location accessible by foot or bicycle to the community of the Neighbourhood Plan area; and*
- iii. is made available before the closure of the existing facility; and*
- iv. is of a quality fit for modern use.*

B. Proposals for new/improved community facilities – for example an art gallery will be encouraged subject to the following criteria:

- i. the proposal would not have significant harmful impacts on the amenities of surrounding residents and the local environment; and*
- ii. the proposal would not have significant adverse impacts upon the local road network; and*
- iii. sufficient associated storage space and adequate parking space is provided.*

C. Proposals that enable the diversification and flexible use of the buildings through the extension of and shared use of such buildings, to provide additional community facilities for example, will be supported.

D. Proposals must demonstrate that they are water neutral to prove that there is no adverse impact on the integrity of the Arun Valley SAC/SPA and Ramsar site.

- 6.4 The principle of the proposed replacement school building is therefore considered to comply with the Policies 42 and 43 of the Horsham District Planning Framework (HDPF) and Policy HB14 of the Horsham Blueprint Neighbourhood Plan subject to a thorough assessment of the application against other relevant policies and criteria within the HDPF and HBNP. The proposals are also supported under Paragraph 95 of the NPPF which requires that a sufficient choice of school places be available and requires that planning authorities give great weight to the need to create, expand, or alter school buildings.

Character and Appearance

- 6.5 Paragraph 134 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.6 Policies 32 and 33 of the HDPF promote development that is of a high-quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should ensure that the scale, massing, and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site.
- 6.7 HBNP Policies HB3 (Character of Development) and HB4 (Design of Development) state that development is expected to (amongst others) demonstrate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of residents, and minimises the impact on the environment.
- 6.8 The character of the surrounding area is predominantly residential in nature and includes tree lined streets with grass verges or open green spaces, along with detached, semi-detached or bungalow dwellings with an assorted mix of post war style architecture, set back from the road frontage behind front dwarf garden walls, boundary hedges, or driveways. The dwellings comprise a mix palette of materials with primarily red or yellow brick, or part rendered elevations under pitched or hipped roofs that are located adjacent to the public highway surrounding the application site. The existing school buildings comprise brick single storey flat roofed structures of a broadly utilitarian appearance typical of their time.
- 6.9 The applicants have submitted a comprehensive Design and Access Statement that sets out the design parameters against which the proposed school building has evolved, with

consideration to the DfE requirements and other stakeholders. A sustainable design approach has been taken with consideration towards construction, production, and the operation of the school building. The proposed school building has been designed to ensure the long term needs of school users are met; that the building has been future proofed against the risk of climate change; the development results in a healthy and productive whole school setting and that the building is a low energy, fossil free building. The proposed school building is stated to be based on passive design encompassing cost effective whole life measures that are climate resilient and have a net zero impact.

- 6.10 The proposed school building is to be sited in the southwest corner of the site set suitably back from the roadside behind an existing tree lined street frontage. Whilst the land slopes down towards the rear gardens of dwellings in Merryfield Drive in this location, the land slope is less severe than in the northwest corner of the site and therefore the finished floor level would not be as appreciably higher as it would be in the northwest corner of the site. The degree of land slope the northwest corner of the site also suffers from drainage problems which are a constraint to new development in this location. The location in the southwest corner of the site further allows for a greater separation distance between the existing dwellings and the new school building than elsewhere on the site. It also allows for maximisation of external site area for different uses; provides good flow and connectivity to the outdoor spaces; utilises existing pedestrian site access; level site reduces excavation works; maintains buffer distance to nearest residents; ensures good viability from the site frontage; maintains good operational link with retained classroom block; and avoids the need for temporary accommodation. Having regard the limited options for locating the building on the site (as set out in detail in the supporting documents) and given the existing buildings need to remain operational at all times, the proposed location in the southwestern part of the site is considered the optimum location for the building in visual terms.
- 6.11 The proposed school building is to be of a modular construction that is of a typical 'box' formation, with rounded canopy over the main public entrance to the school entrance. It forms an 'L' shape largely two storey flat roofed structure finished in a mix of two tone grey and green composite cladding. Although largely of a utilitarian box design, the overall design has been softened with the introduction of a sweeping curved canopy above the pupil / public entrance and through the introduction and use of contrasting panel colourways, sought as part of improvements during consideration of the application proposals. A covered outdoor teaching area under a canopy is proposed, whilst two outdoor Physical Education (PE) areas (one hard surfaced area and one soft surface area) are located to the east of the proposed school building along with the location of a new trim trail.
- 6.12 Design Code Guidance for schools is provided by the Department for Education (DfE). The application proposals have been based on a specific design code provided by the DfE. Design codes cover issues relating to *'locations of schools to maximise usability for the community and supports local shops and services, where appropriate; provide guidance on factors that need to be considered when integrating schools into neighbourhood (e.g., noise, traffic, congestion and overlooking); provide guidance on the design of schools; taking account of the following components: Built form; building line height; access and public and private space'*. Advice further states that *'a key issue is the management of public and private space. Ideally the setting of the school building and associated safeguarding measures would consider the transition from the street into the managed space of the school'*.
- 6.13 The DfE specifies that the development must incorporate low and zero carbon technologies including photovoltaic (PV) panels. The building roof is the main area of provision (171 PV Panels) with a further 164 PV units provided via the external canopy above outdoor teaching area to the west of the nursery building. The solar canopies will provide shelter and shade to the teaching area alongside energy generation for the school building.

- 6.14 Overall Officers advise that the location of the building and its design are of a suitable quality and would not harm the character of the street or wider area, in accordance with policies 32 and 33 of the HDPF and policy HB4 of the HBNP. Whilst comments have been received in respect of the colour palette and lack of curves within the building, overall the building's appearance is considered appropriate as a modern functional education facility.

Landscaping and trees

- 6.15 The landscape plans submitted with the application identify the areas of hard and soft landscaping within the site boundaries, including the proposed new access spur road and parking area which runs adjacent to the southern boundary of the site as well as the continuation of the existing access road into the site up to the retained nursery building; the hard informal and social outdoor PE court and the soft outdoor PE court to the east of the proposed school building; and a hard surfaced triangular courtyard between the new building and the existing retained building (containing 4 classrooms). It is advised that hard surfacing materials for the vehicular paving will be grey / black asphalt. Details relating to the colour of 1.8m high weldmesh fences which separates the playground areas from the pedestrian and vehicular routes has not been provided, neither has the colour of the 1.2m high safety railing that encloses the SEN teaching space, however these details (within the site and in respect of boundary treatments), along with a planting schedule, details of surfacing materials and specific details relating to the proposed canopy can be required though conditions.
- 6.16 The landscape plans identifying the proposed location of 11 new trees (native heavy standards) along the western boundary of the site and a further 6 new trees planted in proposed island areas located within the hard informal and social courtyard area. Retained trees within the site boundaries are also identified. A new trim trail is identified to immediately to the north of the retained modular building and outdoor PE court. Habitat areas have also been identified and are being considered as part of the ecology proposals.
- 6.17 No specific landscaping strategy has been submitted as part of the application and as such a suitable landscaping condition is required to ensure a satisfactory scheme is bought forward to ensure compliance with policy 33 of the HDPF.
- 6.18 The submitted Arboricultural Impact Assessment Plan identifies that two trees (T7 and T10) will be removed in order to facilitate the proposed development; however, 17 new trees will be planted as part of the proposals.
- 6.19 The Council's Tree Officer has been consulted and it is advised *'the relationship of new built form to trees is reasonable although a little close to the largest early mature oak (T12) that has significant future growth potential. The two trees proposed to be removed to enable new vehicle access and car parking are not of a form/size/condition that would warrant them being considered as constraints on site development. Their loss can be reasonably mitigated by appropriate mitigation planting. Minor encroachment of new hardstanding into the minimum recommended radial root protection area of tree T30 is not of undue concern bearing in mind the age/condition of the tree and extent of surrounding soft ground area available for rooting.*
- 6.20 Subject to the imposition of conditions relating to provision of underground services and tree protection measures, no objections are raised, and the proposals are considered to accord with Policy 33 of the HDPF.

Impact on neighbouring amenity

- 6.21 Policies 32 and 33 of the HDPF seek to ensure an attractive, functional, accessible, safe, and adaptable environment avoiding unacceptable harm to the amenity of occupiers/users of nearby property and land through overlooking or noise.

- 6.22 A number of objections have been received from residents concerned at the proximity of the building to the properties on Merryfield Drive. The building in this location would be on higher ground to these properties and the concerns refer to a consequential loss of daylight and sunlight, and general amenity as a result.
- 6.23 The rear gardens of dwellings fronting Merryfield Drive, located west of the application site, share a common boundary with the western boundary of the school site. The dwellings along Merryfield Drive are located between approximately 34.3m from the proposed school building, with the proposed school building approximately 14.2m from the garden boundary with these properties.
- 6.24 A number of design options and locations for the siting of the proposed school have been considered and discounted by the applicants. These are set out in the REDS10 'Planning Update' document Rev A dated 31 January 2023 and provide suitable justification as to why the alternative options that were considered in respect of the 'site location and analysis' were unacceptable.
- 6.25 These include siting the building in the northwest corner of the site (option DL1); the southeast corner of the site (DL2); and the northeast corner of the site (DL3). Option DL1 was discounted due to severe level changes, the distance between the site entrance and new school building, poor wayfinding from the main entrance, no connection to the retained classroom block, inefficient vehicular access to the new school building, complicated phasing and construction access, and the removal of existing trees which are desirable to retain.
- 6.26 Option DL2 was discounted due to severe disruption to the use of the existing school during demolition, a complicated phasing and construction access, removal of existing trees, and poor connection to retained classroom block. Option DL3 was discounted due to the severe disruption to the use of the existing school during demolition, a complicated phasing and construction access, removal of existing trees, no connection to retained classroom block, disruption to pedestrian access to retained nursery, extremely close position to the eastern boundary, overshadowing of the existing nursery block, and the need for temporary accommodation during construction.
- 6.27 The proposed building is part single storey and part two storey with a minimum height of approx. 4.7m (single storey element) and maximum height (two storey element) of approx. 7.5m to roof level facing the properties on Merryfield Drive, upon which are safety railings of 1.2m, and a set back roof plant approx. 1.24m. The total width of the north and south elevations (as viewed across the east / west axis) measures approx. 41.16m, and the total width of the east and west elevations (as viewed across the north / south axis including the projecting porch at ground floor level) is approx. 54.3m. This creates a large expanse of building that would be visible from the rear elevations and gardens of Merryfield Drive.
- 6.28 The proposed west to east alignment of the school building from the properties on Merryfield Drive is shown on section drawings B-BB and C-CC. These drawing show that proposed school building would be approximately 34m from the rear of the dwellings and a minimum of 14m from their common rear garden boundaries with the school site. The building's finished floor level sits at 2.1m above the existing site level at the common boundary leading to the building's roof (minus railings and plant) being some 9.6m in height relative to the gardens on Merryfield Drive. This increases the impact of the scale and massing of the building, even accounting for the building being partially set into the sloping ground at its eastern end.
- 6.29 The applicants have demonstrated on section plans and within the Design and Access Statement (Part 2) that the proposed building comfortably meets the BRE (Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice 2022) guidance such that it would not detrimentally impact on natural lighting within the rear facing habitable rooms of the dwellings on Merryfield Drive and to the majority of their rear gardens. The tests within

the BRE guidance are designed to assess the impact on daylight, sunlight and outlook, and as best practice helps to determine whether there would be any adverse effect to the amenities of neighbouring properties.

- 6.30 A further overshadowing study has been provided modelling the impact of the building on the gardens to Merryfield Drive. These gardens are east facing and as such enjoy good early morning and afternoon sunlight. The study demonstrates that with the exception of winter mornings, the building will not detrimentally overshadow these gardens during winter afternoons, at the March and September equinoxes, and throughout the summer months. Daylight and sunlight to the habitable rooms within these properties will therefore not be affected.
- 6.31 The Council's supplementary guidance, as a guide, recommends a separation distance of 21m between rear facing habitable room windows (first floor level) and new neighbouring development. This compares to a separation distance of between 15-20m as set out in The National Model Design Code. The separation distance between the rear of properties in Merryfield Drive and the proposed new school building is considerably greater at approximately 34.3m.
- 6.32 The provision of 11 heavy standard trees along the western boundary as proposed will further mitigate against any concerns regarding perceived overlooking towards rear garden areas and habitable room windows in these properties. Whilst these trees would likely result in some overshadowing of the rear garden areas when the sun is low in the sky, this would not be significant as demonstrated in the overshadowing study. The details of the proposed trees will be required through condition to ensure that the height of the proposed species is acceptable. Subject to the planting of these trees the relationship between the proposed school building and the dwellings along the West boundary of the site (particularly with those dwellings numbers 66 – 76) is therefore considered to be acceptable.
- 6.33 To help limit the perception of overlooking from the classroom windows, the addition of angled oriel windows or obscure glazing to the west facing windows of the proposed school building has been considered by the applicants at your Officers request. However, the applicants advise that modelling based on a 45-degree angled oriel window at a typical first floor window utilising Climate Based Daylight Modelling software, demonstrated that there would be insufficient daylight levels achieved and supplementary artificial lighting would be necessary to reach the daylight levels as set out within the DfE Technical Annex 2E. Furthermore, the applicants state that the use of oriel windows would not overcome overlooking of rear gardens.
- 6.34 Additionally, the use of frosted / obscure glazing was considered however, the applicants advise that *the DfE specification for Schools requires views from classrooms for both pupils and teachers*. Therefore, it was considered that obscure glazing which would block external views entirely from within the classroom, was not considered appropriate. Therefore, both of the suggested options were considered inappropriate as they would reduce natural light levels below the minimum requirements for teaching environments, and they have not been incorporated into the design.
- 6.35 Whilst the strong objections submitted by local residents are noted, it is considered by your officers that that the proposed building is sufficiently separated from rear gardens in that it complies with the recommended minimum separation distances between the west elevation of the proposed new school building and the rear of existing residential dwellings in Merryfield Drive, and that whilst it is accepted that there is a level of perceived overlooking to habitable rooms at the rear of the dwellings, this would be mitigated by the suitable separation distances and the planting of boundary trees. Consequently there would be no appreciable or significant harm to private amenity arising from loss of privacy or light as a result of the proposed development.

- 6.36 Concern has also been raised by neighbours regarding the relationship with dwellings to the south (Greenway), given the school is set back 13m behind the front boundary fence line and would be located behind an established 11m high tree screen, it is not considered that the relationship between the frontage of the proposed school and adjacent dwellings to the south side of Greenway is such that it would result in any adverse harm arising from overlooking, additionally given the orientation of the school building there are no concerns regarding overshadowing to dwellings in Greenway.
- 6.37 Subject to the imposition of suitable landscape conditions to secure the new trees along the western boundary of the application site, the proposed development is considered to accord with the requirements of Policies 32 and 33 of the HDPF and with Policy

Ecology

- 6.38 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.39 The existing site ecology has been identified as comprising four broad habitats including grassland; woodland; standing water; and built-up areas with gardens and has potential to provide suitable habitats for protected or notable species including commuting and foraging bats; great crested newts; nesting birds; reptiles and invertebrates. The Applicants have submitted a full suite of Ecological reports including a Preliminary Ecological Appraisal (PEA) (RSK Biocensus Ltd, September 2021) and eDNA Survey.
- 6.40 The proposed mitigation measures include the retention and protection of the existing habitats and planting of 17 new trees across the site as well as the creation of a 1,063 sqm green roof.
- 6.41 The identified enhancement measures include the biodiversity net gain improvements based on the school's site design and the DfE specifications for new school buildings which states that '*sites shall demonstrate an increase in the level of greening across the site to achieve a biodiversity net gain*'. Measures for net gain included in the submission include the green roof, tree canopies, amenity grassland, permeable and sealed paving. A semi-intensive bio solar green roof is also proposed and incorporates a variety of versatile plants which will grow around and within the shaded areas beneath the roof mounted PV units in order to increase the vegetated area across the roof of the building. Habitat creation across the site includes 5,695sqm of species rich amenity grassland; 60sqm of standard native tree planting; and 800sqm of biodiverse extensive green roof. The proposals deliver a biodiversity net gain of 11.03% to the site through replacement of approximately 6,495sqm of predominantly sealed surfaces with greening.
- 6.42 The ecology submissions detail the required mitigations and a series of ecological enhancements to the site as above. Biodiversity enhancements as outlined in Paragraph 174 (d) of the National Planning Policy Framework 2021 are supported and are required within a subsequent Biodiversity Enhancement Layout which should be secured through condition. w(BNG) has been included within the DAS in order to demonstrate that the development provides for a net gain and would have a positive impact on the site as promoted by the recently endorsed Planning Advice Note on Biodiversity and Green Infrastructure, and demonstrates ecological enhancements as required by local and national policy.
- 6.43 The Council's Ecology Consultant has confirmed that the submitted ecology information provides satisfactory mitigation and enhancement measures, which are to be secured by condition. Accordingly, the proposals are now considered to accord with the provisions of

HDPF Policies 25 and 31, the Planning Advice Note on Biodiversity, and Paragraph 174d of the NPPF.

Water Neutrality

- 6.44 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.45 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.46 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 6.47 The application site at falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a material planning consideration relevant to the application. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.48 The proposals do not seek to increase the capacity of the school, with there being no increase in the number of classrooms. Whilst it is understood that there is a single community user of the site using the facilities once a week, the proposals would not increase the community use potential of the site. On this basis there is no evidence that the development proposals will increase mains water consumption at the school therefore the proposals would not result in a significant impact on the Arun Valley sites. The proposals have therefore been screened out from requiring an appropriate assessment under the Habitats Regulations.
- 6.49 The applicants have nevertheless submitted a Water Neutrality Statement setting out existing and proposed water consumption at the school. The school's existing baseline for water consumption at the existing school is stated to be between 17 and 36 litres per pupil per day (l/p/d) with an average of 24.2 l/p/d based upon 480 pupils for 190 days per annum. The average site consumption is 6,053.51 litres per day). Water bills have been submitted by the applicants. This is based on data taken from water bills from 2017 to 2022.
- 6.50 A BREEAM 2018 Wat 01 water calculator has been completed which calculates that the proposed site consumption for the new building would be 5,180 litres per day (1,892 m³/annum) based upon a building occupancy of 574 people and improved fixtures and

fittings. This would therefore provide a saving of 873.39 litres per day (319 m³ per annum), equivalent to 14.4% when compared to the existing buildings.

Conclusion on Water Neutrality

- 6.51 The development proposals will not result in an increase in the pupil capacity of the school as there is to be no increase in the overall numbers of classrooms, or increase any community use of the site compared to existing. Officers therefore conclude that, the proposals will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects and therefore the proposals have been screened out from requiring an HRA Appropriate Assessment. Nevertheless the applicants Water Neutrality Statement calculates that the new building will result in a water saving of some 873.39 litres per day (319m³ litres per year) as a result of the improved efficiency of fixtures and fittings being installed.

Highways Access and Parking

- 6.52 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.53 The primary vehicular and pedestrian access to the site is from the southern east corner of the site boundary, with a separate pedestrian access midway along the site frontage. Access arrangements into the school are to remain as existing, however it is proposed to extend the existing southeast spur access road from the spine road towards the pupil / public entrance of the new school building to create 3 additional disabled parking spaces. The proposals also seek to extend the existing northern access spine road towards the retained nursery building creating a further 4 car parking spaces at the northern end. The existing informal parking arrangements to the eastern site boundary have been formalised to provide 17 car parking spaces (providing 24 spaces in total).
- 6.54 WSCC Highways have been consulted and have raised no objection to the proposals subject to the imposition of the construction management plan as submitted. WSCC Highways advise that the proposal would not likely result in any impact above and beyond the school's current highway impacts. WSCC have advised that the current WSCC parking standards do not dictate a requirement for schools to provide Electric Vehicle Charging points. Given that the travel demands with the development would not be greatly different to the existing demands the betterment that EV charging would offer has not been sought.
- 6.55 The proposals are considered to be in accordance with the National Planning Policy Framework (paragraph 111), and there are no transport grounds to resist the proposal. Subject to conditions, the Highway Authority raises no objection to this application. The proposal is therefore in accordance with Policies 40 and 41 of the HDPF and the NPPF.

Climate Change

- 6.56 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity, and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.57 In accordance with Policies 35, 36 and 37 of the HDPF, the scheme includes an Energy and Sustainability Statement (Section 6.10 of the Design and Access Statement). The statement incorporates sustainable design measures to reduce energy use. It is advised that the proposed school building has been designed in accordance with Technical Annex 2J: Sustainability (Further Education Output Specification) November 2022. The document summary advises that 'Technical Annex 2J provides the minimum requirements for

sustainability. It responds to the demands of Climate Change and aims to mitigate the effects and recognise adaptations required in educational establishments for a changing environment. This document focuses on the path to reduce carbon emissions within the DfE estate to zero'. The document requires a sustainable approach to building design; construction; production and operation of education buildings and grounds which:

- put the long term needs of the building users at the centre of discussions
- is future proofed against the risk of climate change
- creates a healthy and productive whole site setting
- prioritises the application of low energy, fossil fuel free buildings
- calculates and reports on embodied carbon in construction at key stages as defined by standards within the Net Zero Carbon Buildings UK Green Building Control

6.58 In addition to the provisions included as part of the submission detailed in the applicants planning statement, Officers consider that the following measures can be secured as part of the application in order to reduce the development impact on climate change.

- Solar Panels (171 PV panels on the building roof & 164 PV panels on solar canopy)
- SUDS and green infrastructure to manage flood risk
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Cycle parking facilities
- Opportunities for biodiversity gain

6.59 The Energy Statement provided (within the Design and Access Statement) adopts a 'Fabric First' approach to meeting energy targets, to provide an energy efficient scheme that results in minimal carbon emissions through regulated energy and improvements to the thermal performance of the building fabric. The Applicants advise that these measures meet and may exceed Building Regulations standards. The Fabric First building approach also allows consideration of photo voltaic panels and a green roof to the proposed canopy roof space.

Air Quality

6.60 There is no increase in the school capacity and as such an air quality statement is not required. However, it is advised that planting around the perimeter of the school building, tree planting along the western boundary of the site as well as native trees, hedgerows and amenity planting and the proposed green roof will all maximise the opportunity to improve air quality throughout the site.

Flooding and Drainage

6.61 HDPF Policy 38 seeks to ensure that flood risk is considered during the planning process in order to direct development away from high-risk areas and to avoid inappropriate development and to ensure that required development can be carried out without flood risk elsewhere.

6.62 The Environment Agency's flood zone map indicates that the application site is located wholly within Flood Zone 1. The site is over 1 hectare and as such a Flood Risk Assessment is required as part of this application. The Applicants have submitted a Drainage Strategy dated 20 September 2022.

6.63 The Drainage Design included with this application state that a sustainable drainage system (SuDS) is proposed to control surface water from the development, the Drainage Strategy advises that '*underground storage in geocellular tanks adjacent to the new school building along with permeable structures with subbase attenuation*' are proposed. It is advised that

'rainwater from the proposed new building and soft landscaping will discharge into the public sewer located in Greenway Road to the south'.

- 6.64 HDC Drainage Engineer has been consulted as part of the application process and has confirmed that subject to the imposition of appropriate foul and surface water conditions and approval in consultation with Southern Water there are no objections to the surface water drainage strategy proposed.
- 6.65 WSCC as Lead Local Flood Authority have also been consulted on the application, and have advised that 'all works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles' and that the maintenance and management of the SUDs system should be set out in a site specific maintenance manual and submitted to, and approved in writing by the Local Planning Authority and implemented in accordance with the approved designs.
- 6.66 A suitable condition is recommended in respect of foul and surface water drainage. Subject to this condition, the scheme is in accordance with Policy 38 of the HDPF.

Other Matters

- 6.67 Policy 24 of the Horsham District Planning Framework states developments will be expected to minimise exposure to and the emission of pollutants including noise.
- 6.68 The applicants have submitted a Noise Impact Assessment (DBX Acoustics dated 8 September 2022), which contains an assessment of the potential noise impacts generated by the proposed development on the nearby residential properties based on the noise survey carried out by RSK Acoustics who prepared a 'Feasibility Assessment – Noise' for the site, reference 298314-RSK-RP-004-(00), dated 25 August 2021. RSK Acoustics completed attended and unattended noise measurements between Tuesday 20th July and Thursday 22nd July 2021 at specified locations as referred to within the report.
- 6.69 The Council's Environmental Health officers have been consulted as part of the application process and have raised no objections subject to the imposition of suitable pre-commencement noise control conditions in respect of a requirement for an assessment of the acoustic impact arising from the operation of all internally and externally located plant and also a condition restricting the use of the development of operation of any building service plant until a post-installation noise assessment has been carried out.
- 6.70 A Phase 2 Geo-Environmental and Geotechnical Site Investigation report (RSK geosciences dated December 2021) has been submitted as part of the application proposals. The Council's Environmental Health Officers have raised no concerns in this respect but have requested that a condition be imposed to deal with unsuspected contamination in the event that such a contamination is found during works.
- 6.71 Other matters, including the imposition of a condition to secure a suitable lighting scheme along the nursery access road has been requested by the Council's Environmental Health officers on the basis that the proposed 6m lighting columns have raised concerns and are not considered appropriate on the boundary to properties along Churchill Avenue. A suitable lighting condition should therefore be imposed in the event that the application is approved.
- 6.72 The application details also refer to the use of the premises for community use purposes which is supported under HBNP Policy HB14(C). It is advised by the applicants that there is currently a table tennis club that uses the existing school building 1 x week. It is not considered that the proposed development will increase the extent of the after school use of the premises by community groups compared to that capable of being provided as existing.

- 6.73 Subject to the imposition of conditions as identified above the proposals are considered to accord with Policy 24 of the HDPF.

Sport England

- 6.74 As the proposals impact on land currently being used as playing fields, consultation with Sport England is a statutory requirement before granting planning permission. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states that:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

- 6.75 Sports England have raised no objections to the proposed development as it is considered to meet exception 4 of the five exceptions. Exception 4 states that *'the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

- 6.76 Sports England also state that *'the siting of the new building has been considered during the design process and this is clearly the most logical. The building would result in the loss of an existing area of playing field of approximately 0.32 hectares that appears to be well used. In addition, the site contains another area of playing field to the north of the existing tree group of similar size that would not be affected by the proposal. An area of hard courts to the east of the existing buildings would be replaced immediately to the east of the white block to be retained and a new area of playing field provided to the east of that on more level land, that would compensate fully the loss of the existing area of playing field'.*

- 6.77 The new playing field area and hard courts / pitch would not be provided until the existing buildings are demolished following the completion and occupation of the new building.

- 6.78 Given the above assessment, Sport England have advised that they do not wish to raise an objection. The absence of an objection is subject to the recommended conditions being imposed as set out within the consultation response in the event that the application is approved.

- 6.79 The proposals are therefore considered to comply with the National Planning Policy Framework (in particular Para. 99) and with HDPF Policies 42 and 43 of the HDPF as well as The Horsham Blueprint Neighbourhood Plan, (HBNP) specifically HB14 Community and Cultural Facilities.

Planning Balance and Summary

- 6.80 The principle of the proposed school building at Greenways, has already been established through the existing use of the site for purposes of education and as such the principle of the new school building is acceptable and is considered to comply with HDPF Policies 42 and 43 of the HDPF. Your Officers consider that the proposed modern energy efficient, modular constructed school building, which can be constructed off site in order to prevent

unnecessary disruptions to the education of existing pupils, would meet the needs of the community and provide a modern fit for purpose school building, that has a pleasant and welcoming appearance, and is beneficial for both teachers and their pupil's current educational needs.

- 6.81 The proposals are considered to comply with The Horsham Blueprint Neighbourhood Plan, (HBNP) specifically Policies HB1, HB3, HB4 and HB14, specifically criteria's i-iv of Part A of HB14 in that the replacement school building is of an equivalent scale to the existing education facility and will be capable of meeting the current needs of the pupils and teaching staff; the new school building will be located on the same site as the existing school building to be demolished and is within a sustainable location; the phased construction and demolition approach proposed means that the new school building will be available for use prior to the complete demolition of the existing school building; the new school building will be of a modern construction and quality fit for its modern-day use education purpose.
- 6.82 It is accepted that the proposals would result in some loss of outlook to residents from the rear of Merryfield Drive given the current largely open rear aspect, however the loss of outlook would not be significant given the separation distances. Your Officers consider that the proposed school building will be suitably separated from residential dwellings and as such it is not considered that there would be any significant impacts arising from either overlooking or overshadowing of rear gardens to Merryfield Drive or to dwellings on Greenways; the proposals are not considered to result in any adverse highway impact on the local road network; and there are suitable parking spaces provided as part of the proposals.
- 6.83 In respect of HDPF Policy 31 and HB14 criteria D, the proposals are considered to be Water Neutral as set out above and it is considered that there is no adverse impact on the integrity of the Arun Valley SAC/SPA and Ramsar site.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission subject to appropriate conditions

Conditions:

1. Plans
- 2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990
- 3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).
- 4 **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery, or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number [insert number], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access and shall not be used for the storage of materials, equipment, or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition:** No development shall commence until it has been demonstrated to the satisfaction of WSCC Fire and Rescue Service that a fire appliance can gain access to within 15% of the perimeter or within 45m of every point of the footprint of the new building in accordance with Approved Document – B (AD-B) Volume 1 - 2019 edition: B5 section 15. Access should also comply with the requirements of BB100 - Design for fire safety in schools, section 8.3. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Commencement (Slab Level) Condition:** Following demolition of the existing buildings and structures, no development of the replacement area of playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soil's structure, proposed drainage, cultivation, and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation in accordance with the timescale specified in condition [1] unless otherwise agreed by the LPA in writing. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy 43 of the Horsham District Planning Framework 2015.

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (RSK Biocensus Ltd, September 2021) has been submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a soft and hard landscape specification has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of

responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** The operation of any building services plant, shall not commence until a post-installation noise assessment has been carried out including suitable measurements to confirm compliance with the approved noise criteria and has been submitted to and approved by the planning authority. The scheme shall be implemented in accordance with the approved details and attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.

Reason: To safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 14 **Post-Occupation Condition:** Within 12 months of the occupation of the new school building hereby permitted the car parking spaces necessary to serve the school shall have been constructed and made available for use in accordance with approved drawings. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 15 **Post-Occupation Condition:** Within 12 months of the new school building hereby permitted a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority in writing. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment plan 2119-MAC-XX-XX-DR-L-00013 P02

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** The replacement playing field and hard court/pitch areas hereby approved shall be completed and made available for use within 24 months of construction

commencing on the existing playing field unless otherwise agreed in writing by the Local Planning Authority following consultation with Sport England.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 43 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

Reason: To safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) REV 2 dated 13.03.2023 submitted by REDS 10. The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the update ecology letter (Corylus Ecology, March 2023), Reptile Survey and Great Crested Newt eDNS Survey Report Corylus Ecology, October 2022), Preliminary Ecological Appraisal (RSK Biocensus Ltd, September 2021).

This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 22 **Regulatory Condition:** The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

06) DC/22/1954

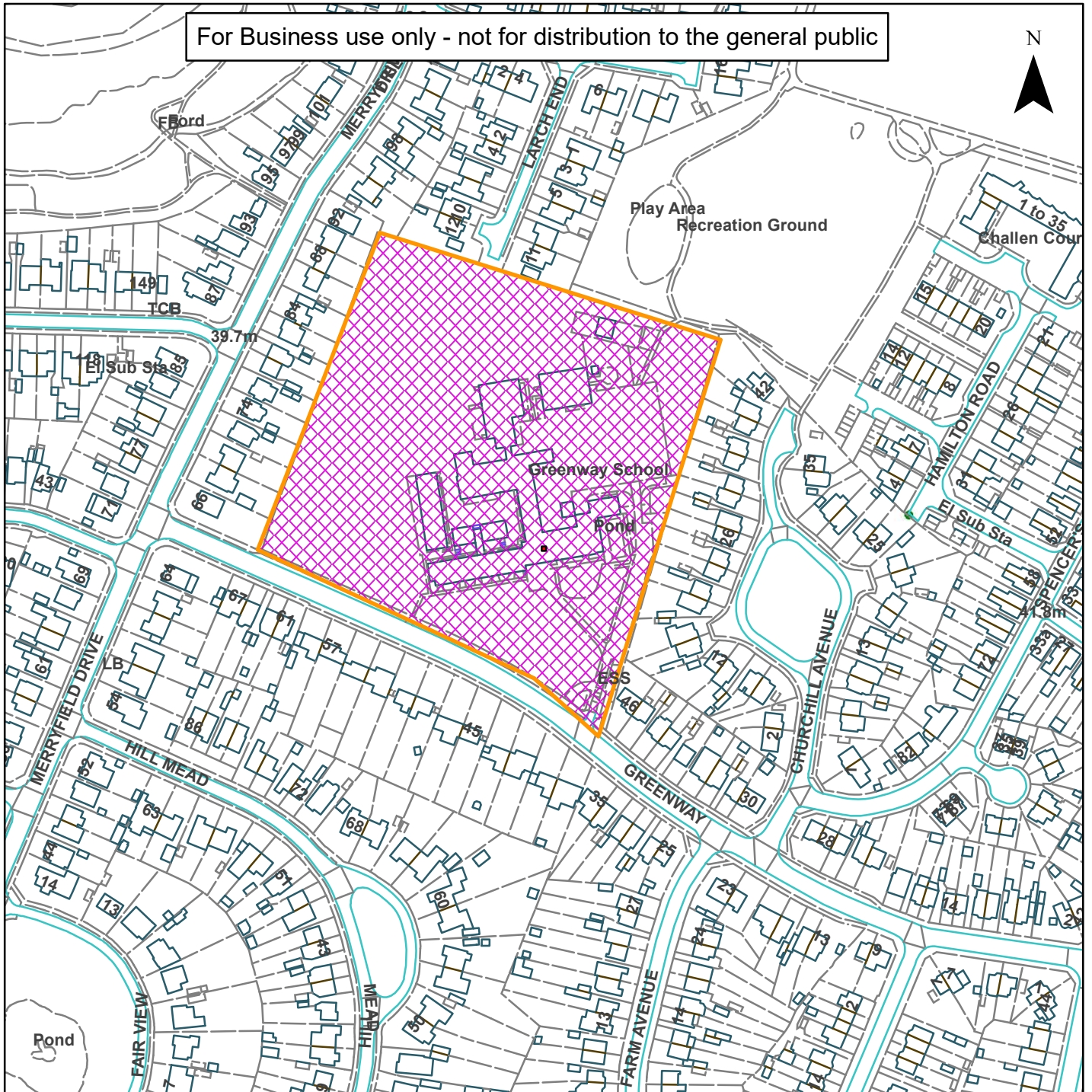
Greenway Academy, RH12 2JS



Horsham District Council

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development and Building Control
DATE: 4th July 2023

DEVELOPMENT: Construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, with tree planting. Installation of new children's play area. Relocation of chicken enclosure. Amendments to road layout within the site, with associated enlarged and enhanced landscape buffer and reinstatement of hedge to A281 boundary. (Part-retrospective).

SITE: Leonardslee Gardens Brighton Road Lower Beeding West Sussex RH13 6PP

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/2229

APPLICANT: **Name:** Mr Adam Streeter **Address:** Leonardslee Gardens Brighton Road Lower Beeding West Sussex RH13 6PP

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The permitted use of Leonardslee Lakes and Gardens has been secured under separate planning permissions and consents. This proposal is for a reconfiguration and expansion of the car park only. It does not seek to change the use of the site. No changes are to be made to the existing site access arrangements onto A281 Long Hill (a one-way system with the northern access point serving as the main entrance to the site and the southern access as the exit). No works are proposed within the gardens and pleasure grounds, nor to the Listed Mansion House and adjacent Listed buildings. This proposal is not for any of the events that take place on the site. These are covered under the '28 day rule' under The Town and Country Planning (General Permitted Development) (England) order 2015 (as amended)).

1.2 The focus of this application is for the enlargement and consolidation, and rationalisation of visitor car parking at Leonardslee Gardens; firstly, to the existing visitor car park permitted under DC/18/0689, and, secondly, to the south of the exit for the existing visitor car park, an area that has been the subject of unauthorised implemented works.

Unauthorised implemented works – the current situation

1.3 Leonardslee Lakes and Gardens benefits from planning approval for a visitor car park with a provision for 241 car spaces. This car park received permission in 2018 (DC/18/0689) as part of the reopening of the gardens to the public. Unauthorised works on site were implemented in March 2020 and completed September 2020. These works comprised the creation of additional constructed parking areas, which resulted in a car park with a provision for 724 car spaces. The works have been the subject of enforcement investigation by the Council. Following refusal of a retrospective planning application for these works (DC/21/1603), enforcement proceedings are now on hold, pending the outcome of this current planning application (DC/22/2229). The current application includes works to rectify the unauthorised implemented works, involving:

- removal of the unauthorised car park spaces within the previously approved landscape buffer approved under DC/18/0689 and incorporation of this land into an enhanced landscape buffer between the car park and A281. Some of the unauthorised car parking within the landscape buffer has already been removed
- partial retention but reduction of the unauthorised parking area to the south of the exit, with the gravel top layer removed, and grass seed/soil installed above the existing Truck Pave system. The grass seed will be an all-purpose law mixture suited to a wide range of domestic and landscape applications. An area of this car park has already been cordoned off as a sample trial area.

1.4 The proposed visitor car park redesign, which will incorporate the above rectification works, is for a total car parking provision of 637 cars.

1.5 A comparison table of parking provision proposed/existing on-site is provided below.

	2018 approval DC/18/0689	2021 retrospective refusal DC/21/1603	2022 proposal DC/22/2229
Car parking spaces (formal and informal)	210	724 (248 existing + 476 proposed, existing accessible & electric spaces not identified)	610
Accessible car parking spaces	26	0 new proposed	22
Electric car parking spaces	5	0 new proposed	5 (+4 proposed outside of visitor car parks, at Leonardslee House Car Park)
Total car parking	241	724 (248 existing + 476 proposed)	637 (361 in reconfigured North Car Park, 276 in overflow/South car park)
Coach parking	9	0 new (8 shown existing)	9
Cycle parking	16	0 new proposed	16 (approx.)

1.6 The car park redesign, that is the subject of this current application, has been refined and amended, in response to consultation responses and advice from your Officers, with additional documents submitted in support, including a Conservation Management Plan

Rev 2 (Donald Insall March 2023) and Historic Building Report (Donald Insall Nov 2022); a Conservation and Garden Management Plan (Cox 2020-21) and Planting Schedule (Donald Insall Feb 2023); and Preliminary Ecological Appraisal and Preliminary Roost Assessment and Biodiversity Net Gain Assessment (Temple April 2023).

Area of Northern car park

- 1.7 This area (referred to as the Northern car park in this report) was approved for parking under the planning permission for the re-opening of the gardens to the public (DC/18/0689 refers) and a car park constructed in spring 2018. This area was sown with a grass sward which for the most part has not taken successfully. Since 2018, several trees within the car park have been removed due to disease and damage. The Council's tree Officer assessed the parking spaces contributed to their decline, as the current hardstanding within the Root Protection Areas was unsatisfactory. In 2020 extra car park spaces were constructed within a landscape/ecology buffer previously approved between the 2018 car park and the A281 with the hedge along the western edge removed, without the benefit of planning permission.
- 1.8 The intention is to consolidate the parking space configuration within the northern car park permitted under DC/18/0689 with ornamental trees planted between the parking rows and the two remaining trees of significance to be retained; and remove the unauthorised car park spaces and incorporate this land into an enhanced landscape buffer between the car park and A281. At the time of writing, some of the unauthorised car parking within the buffer has already been removed.
- 1.9 The boundary vegetation along the A281 Long Hill within the landscape/ecology buffer has been cleared, in part to conform to highway safety requirements for adequate visibility splays (permitted under application DC/21/0227), so there is little understory present. A post and rail fence along the boundary verge of Leonardslee Gardens and the public pavement has replaced a hedge. Recently, mature Oaks and Sycamore trees have been removed. The intention is to widen the landscape/ecology buffer, and under-plant with a mixture of native shrubs and feature trees, with rhododendrons for historical value and colour, such as were originally planted in this area. A replacement hedge of the one previously located to the roadside of the A281 will be reinstated.
- 1.10 As part of the parking consolidation and enhancement of the landscape buffer, circulatory routing around the car park will be partly altered and rationalised, including the existing long straight drive adjacent to the landscape buffer reformed to be curved. Circulatory roads will be tarmacked, with a path removed and grassed over. Additionally, a new children's play area will be created in the grass area to the east between the car park and the Red House. This will include swings, climbing frames, rope slide, water play area, tower with slide and climbing house with slide. Finally, the field to the north of Round House is currently used for material dump and storage. The land will be made good and returned to open parkland, with tree planting.

Area of Southern car park

- 1.11 This area (referred to as the Southern car park in this report) is an area of newly surfaced car park, constructed of a TruckPave system (plastic cells filled with gravel), covering approximately 9500m². The works in the South Car Park started in March 2020 and were completed in August 2020 without the benefit of planning permission. At its centre is a large veteran Oak tree. The new car park functions as an extension of the existing car park.
- 1.12 The proposal is to partly retain but reduce this area with the gravel top layer removed, and grass seed/soil installed above the existing TruckPave system to enable the retained areas of this car park to have a grassed appearance. This area will continue to be used only as

overflow car park when visitor traffic necessitates this (large events). At other times it will be left as an open grassed area, fenced off from the northern car park. The grass seed installed in this area where vehicles will be tracked over, will be an all-purpose mixture suited to a wide range of domestic and landscape applications. The mix is quick and easy to establish. An area of this car park has already been cordoned off as a sample trial area.

- 1.13 Rationalisation of the coach park circulatory routing is proposed, and as part of this, the existing track connecting the main car park and the road to the mansion house will be in part removed and this land returned to open parkland, with shrub planting around trees to limit damage to tree roots and enhance their setting. The remainder of the track will be changed to a Truckpave system seeded with grass and widened for estate use only to serve a rationalised reduced yard, with existing yard buildings, storage containers, and hard standing within the Root Protection Area of a historic tree removed, leaving two huts and a refuse store. The southern end of this area is open grassland with chicken coops sitting centrally. The current chicken enclosure consisting of sheds, associated fencing and road track will be dismantled and reassembled adjacent to the estate gardeners' compound to the southern estate boundary, the land made good and returned to open parkland. A new orchard is proposed to the south.

DESCRIPTION OF THE SITE

- 1.14 Leonardslee Lakes and Gardens occupies over 96ha and lies in rural location south of the settlement of Lower Beeding and to the north of Crabtree, running parallel to the east of Long Hill Road (A281), within the High Weald Area of Outstanding Natural Beauty, and included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade I. Leonardslee House lies within this landscape and is a Grade II listed mansion of early 19th Century origin.
- 1.15 The visitor entrance to the gardens is approached from the visitor car park, which is accessed from the A281. Adjacent to the site entrance is the Round House, an octagonal lodge, which is Grade II Listed. From here the visitor car park extends south, sloping gently downwards past the visitor entrance (an aluminium greenhouse) to the gardens, and is otherwise more or less level. Grassland swings round towards the southeast, beyond which are the lower parts of the gardens and the Camellia Grove. The House, former stables and coach house and other buildings, as well as the rock garden to the west of the house are enclosed within the central part of the site. East of the house and grassland are the main parts of the gardens, set out on both sides of a steep valley with a row of man-made lakes down the centre. These gardens merge into woodland on Hogstolt Hill to the east. The gardens have been developed since 1801 and are made up of ornamental gardens, parkland, and woodland. The gardens are particularly noteworthy for their spring display of rhododendrons, azaleas, camellias, magnolias and bluebells and their collection of rare wild animals including unusual species of deer and wild wallabies.
- 1.16 The House and Gardens were previously open to the public and operated as a successful tourist attraction until 2010. In 2010 it was sold for private use and the gardens were closed to the public. The House and Gardens were sold to a new owner in 2017 who re-opened the site to the public. The house has recently been refurbished to create a Michelin starred restaurant at ground floor and hotel rooms to the upper floor.
- 1.17 The local landscape comprises St. Leonard's Forest, principally woodland and open heath, and agricultural land. Local Wildlife Site, Old Deer Park, is located some 250 metres east of the site. The local landscape is within the St Leonards Biodiversity Opportunity Area, with Priority deciduous and ancient (replanted) woodland to the west. A large part of the Leonardslee Estate is designated as Wood Pasture and Parkland Biodiversity Action Plan Priority Habitat (BAP). Ancient/ veteran trees exist on the Leonardslee estate.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

The High Weald AONB Management Plan 2019 -2024

Supplementary Planning Guidance:

None

RELEVANT NEIGHBOURHOOD PLAN

Lower Beeding Neighbourhood Plan Examination

An independent examiner has undertaken the examination of the Lower Beeding Neighbourhood Plan. The examiner issued his report on the 1 July 2021. A decision statement was published on the 23rd September 2021. The Plan is currently awaiting a referendum. The relevant policies are as follows:

Policy 1: Biodiversity
Policy 2: Landscape Character
Policy 3: Green Infrastructure
Policy 4: Sustainability
Policy 18: Economic Growth

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.2 There have been three separate applications for new car parking at Leonardslee since 2010 when the gardens originally closed. These were in 2012, 2018 and 2021.
- 2.3 The 2012 consented proposal laid out a new car park in the field north of the Round House, this was for the previous owners and was never built. Before this, there were no formal car parks. Grass fields were used at busiest times and these extended down into the deer park field which runs across the southern boundary. Use of the fields was restricted in wet weather.
- 2.4 In 2018 the current owners gained consent for upgrading and formalising the existing main car park in its current location (DC/18/0689) in association with reopening to the public. During this time the field to the south was used for ad hoc overflow parking when large events were held at Leonardslee. Subsequent permissions and consents reflect diversification of the visitor and attraction offer (including a sculpture park (DC/22/1065). Permission was secured in 2022 for maintenance works within visibility splays to the landscape buffer along the west A281 boundary (DC/21/0277).
- 2.5 In 2021 a retrospective application was submitted for changes to the south field from an ad hoc grass overflow car park to a permanent one with gravel surface (DC/21/1603). This has not been granted consent. The works were judged to have resulted in harm to the heritage assets which was not outweighed by public benefit, and to have resulted in harm to the wood pasture and parkland character within the AONB and its BAP priority habitat status. Since that refusal, your Officers have engaged with the owners to seek resolution of the unauthorised works.

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** (12 May 2023) Advice
The general principles of the proposal are going in the right direction. If recommending application for approval, please seek to secure detail for landscape conditions to be worded in a way that it is clear that the number of trees and hedgerow planting is indicative at this stage.
- 3.3 **HDC Conservation Officer:** (09 May 2023) Advice
Draw attention to, and support, comments of the Sussex Gardens Trust. With respect to their suggestion that the applicant should commission a more comprehensive management plan for the registered park & garden; this would support an acceptable approach to ensuring the harm caused by the parking areas can be mitigated. The current proposal will cause less than substantial harm to the registered park and garden and the setting of the listed building to a moderate level. The Council should be satisfied that this harm is outweighed by public benefit before permitting the scheme.
- 3.4 **HDC Tree Officer:** (12 May 2023) Advice
To make a fair assessment of the impact on retained trees, it would be beneficial if this application were supported by a detailed Arboricultural Impact Assessment and Methods Statement (AIA & AMS) and tree protection plan (TPP). If minded to approve, suggest requirement to submit AIA/AMS/TPP before works start is secured by condition. It would be beneficial to have a clear understating of how hardstanding within the RPA of retained trees is due to be removed and if this is achievable without resulting in any harm, and how

this will be undertaken around the veteran Oak east of the overflow carpark. Positive to see a new orchard. An excellent opportunity to use apple varieties with historical connection to the county.

3.5 **HDC Environmental Health:** (04 May 2023) Advice

The Environmental Health Service has received no complaints regarding the operation of events at Leonardslee Gardens since December 2021.

3.6 **HDC Drainage Engineer:** Comment

Insufficient drainage / construction information submitted to make relevant observations. Therefore, if development is permitted suitable conditions should be applied that show full details of the drainage / construction measures employed.

OUTSIDE AGENCIES

3.7 **Historic England:** (03 March 2023) Advice

Welcome the amendments made to the scheme but consider that they do not go far enough to address all our concerns. Consider that there is further scope for avoiding or minimising harm, as required by paragraph 195 of the NPPF.

Recommend that further amendments are sought to reduce, as much as possible, the amount of access roads, coach parking and hard standing and these to be designed in an informal way befitting a rural site.

Also advise that HDC needs to be satisfied that: the overspill car park can be restored to a condition that convincingly achieves the appearance of parkland through high quality landscaping; and that its restored condition can be maintained throughout the year by careful monitoring and controlled use.

HDC should seek further amendments and safeguards before any remaining harm is then weighed against the public benefits, as set out in paragraphs 202 of the National Planning Policy Framework.

3.8 **Sussex Gardens Trust:** (14 March 2023) Advice

Conservation Management Plan

This follows the standard Historic England sector format and includes the historic development of the site, sets out the general significances of the asset (following HE's guidance) and provides assessments and general conservation policies that apply to both buildings and gardens (under various headings: planning and legislation, accessibility and wayfinding, presentation, Education and Interpretation etc).

The Trust would expect the Conservation and Garden Management plan (CGMP) to reflect and develop the format of statements of policy already set out in the CMP. This would then allow a clear understanding of how any proposal was supported by policies based on sound research and assessment. The CGMP doesn't do this at all well. Even accepting that the CGMP is an 'evolving' plan', it currently muddles conservation issues and analysis with management policies in a way which makes it difficult to see how the former could robustly underpin the latter.

For a place of high heritage importance and a major visitor attraction like Leonardslee a robust and comprehensive CMP is fundamental to managing its future. On current evidence (car park applications) and the owner's stated aims it is likely to be the subject of more change and development over the next decades and a sound CMP can go a long way to both ensuring change sustains the significance of the place.

The Trust suggests that it would repay the cost of the services of a professional historic landscape consultant experienced in preparing conservation plans for historic parks and

gardens who would work on integrating the two parts of the plan (CMP and CGMP) with the garden manager and Insalls as the CMP authors.

Planting in Car Park

In the absence of any CMP policy for how (and why) the car parks should look, offer the following comment: While the hedge reinstatement is welcome, the tree species proposed to break up the mass hard surface are very disappointing.

3.9 **The (National) Gardens Trust:** Advice

Happy for Sussex Gardens Trust to comment on our behalf. Endorse their comments.

3.10 **High Weald AONB Partnership:** Advice

Confirm have no comments to make

3.11 **WSCC Highways:** (24 May 2023) Advice

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing points of access on to the A281. In addition, the proposed works are not anticipated to give rise to a material intensification of use of the existing access points.

The proposed works also include alterations to the internal access roads within the site, and these appear acceptable in highway terms. From inspection of the plans, the proposed car park layouts appear acceptable and on-site turning appears achievable.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

3.12 **Ecology Consultant:** (05 May 2023) Recommend Approval Subject to conditions

Reviewed Preliminary Ecological Appraisal and Preliminary Roost Assessment v2 (Temple Ltd, April 2023) and Biodiversity Net Gain Assessment v2 (Temple Ltd, April 2023), relating to likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. Satisfied sufficient ecological information provided prior to determination, as further clarification on likely impacts of Wood Pasture and Parkland Priority habitat provided, as well as bespoke compensation strategy to rectify impacts of unconsented carpark and current proposals.

Recommended Conditions: Action required in accordance with ecological appraisal recommendations; Prior to beneficial use: biodiversity enhancement strategy; Prior to beneficial use: Landscape and Ecological Management Plan; Prior to beneficial use: wildlife sensitive lighting design scheme.

3.13 **Archaeology Consultant:** No Objection

Unlikely to significantly impact on any below ground archaeology that might be present

3.14 **Sussex Police:** Comment

No concerns from a crime prevention viewpoint.

PUBLIC CONSULTATIONS

3.15 **Lower Beeding Parish Council:** Strongly Object

Parishioners will be affected by increase in events, vehicles and subsequent noise and air pollution. 402 new car parking spaces, 686 spaces overall. Leonardslee is a Grade I Listed Garden in an Area of Outstanding Natural Beauty. We believe the commercial gain of the landowner is not a public interest. This is a retrospective application. The extensive increase in car spaces already exists.

- 3.16 12 letters of Objection received, including representation from Thomas & Thomas Partners LLP, content of which is summarised below:

Principle and Overdevelopment

Fails to comply with HDPF policies. Extra parking needed for event visitors, in addition to garden visitors. Fails to provide operational, management or event strategy. A Major Application. Fails to demonstrate policy justification and exceptional circumstances to allow approval. Intensification and material change of use. Precedent for future expansion. Fails to assess impacts. No need for play area.

Highway Access and Capacity

Existing traffic at events is nightmare as A281 not built for traffic flow; stop/start crawl, queuing traffic, vehicles wrongly attempt to turn into exit. Increase risk of accidents. Many near misses from dangerous driving. No assessment of highways impacts. Fails to promote sustainable transport modes and encourages cars.

Residential Amenity

Will exacerbate existing light/noise pollution and nuisance and increase air pollution and carbon emissions from events (after 9.00pm, summer months is unacceptable, amplified music frequently audible, bright lighting, lights on at 3am). Council should impose control and restriction, management, and monitoring, reimpose conditions on previous permissions. Hedging and shrubs will not screen vehicles.

Heritage Harm

Substantial harm to Registered Gardens and Listed Mansion (NPPF). Over commercialisation. Insensitive change to setting. Experts conclude application be refused. Seeks to regularise unauthorised development by inadequate cosmetic sops. Insufficiently improved layout and urban. Not in public interest. Garden could lose its accreditation. Insufficient information to demonstrate impact. Fencing and ground works will harm appearance of open field. Signage, markings, and advertisements intrusive and urbanising. Unacceptable impact of cars and event structures.

AONB Landscape

Forty years ago car park was small with vista towards south downs from grassed meadow. Now vast car park which accommodates events equipment and amusements. Should be broken up with green planting, red bins hidden from view, "V" advertising hoardings removed, and large mature trees planted along A281. Given number of events unlikely overflow car park would not be in use and very hard for grass to establish.

Trees, and Ecology

Buffer planting and ecology provision not completed. Habitat lost. Trees died/felled. Light pollution detrimental. Bats and owls and herons reduced in number. Rookery no longer there. No replanting details. No ecology and biodiversity reports to assess ecology impacts. Unclear how Local Planning Authority can demonstrate compliance with statutory duties.

Drainage and Water Neutrality

Water supply interrupted. Should demonstrate water neutrality. Exacerbated flooding.

Procedure

Leonardslee complaints procedure fruitless. Owners roughshod and cavalier. Profit-making exercise. Review discharge of conditions on previous permissions. Question if event use is lawful. Laurel hedge stolen. Application lacks detail, missing documents, plans and description unclear.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 The site is in countryside, outside of the Built-up Area Boundary (BuAB). HDPF Policy 26 requires development to protect the rural character and undeveloped nature of countryside against inappropriate development. As such, any proposal for development within the countryside must be essential to its countryside location, and in addition enable the sustainable development of rural areas. Proposals must also be of a scale appropriate to their countryside character and location and must not lead, individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.2 Leonardslee Lakes and Gardens and its wider estate has been the subject several planning permissions since 2018 associated with its reopening to the public and to host events. The cumulative impact of these permissions does need to be considered when judging the acceptability of future facilities to the estate to service these. The applicant asserts the car park as extended and new playground will support the cultural and visitor attraction offer of Leonardslee House. This is not disputed by your Officers.
- 6.3 Balanced alongside this is Local Plan support of the importance of jobs and economic development. This includes HDPF Policies 10 and 11, in promoting rural employment opportunities in support of the sustainable growth and expansion of all types of business in rural areas and to enable sustainable rural tourism and leisure developments that respect the character of the countryside. The proposal would support employment on site but also support the wider rural economy through supply chain and tourism related employment.

Designated Landscape

- 6.4 The High Weald AONB Management Plan 2019-2024 is the strategy for looking after the High Weald Area of Outstanding Natural Beauty (AONB) to achieve the statutory purpose of conserving and enhancing the High Weald. The Management Plan provides guidance in respect of assessing the impact of development within the AONB. The High Weald AONB Statement of Significance sets out what comprises the natural beauty of the High Weald. Both documents are material considerations in the determination of this application. National Policy instructs great weight should be given to conserving and enhancing the natural beauty of AONBs, and that consideration needs to be given to development proposals that could be regarded as major development.
- 6.5 As the site is located within the High Weald Area of Outstanding Natural Beauty (AONB), the Council shall have regard to the purpose of conserving and enhancing the natural

beauty of the AONB. Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.

- 6.6 This development is classified as a major application for application purposes and as such has been advertised in line with the statutory requirements. The NPPF is clear that, for the purposes of paragraph 177, major development is a matter for the decision maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.7 As set out in the Management Plan, historic parks and gardens are identified in Key Characteristics of the locally distinctive and nationally important features which enrich people's experience of the High Weald. The Management Plan goes on to identify five issues are identified with this key characteristic, including 2) increasing visitor numbers with demand for more infrastructure around popular sites and 4) development including traffic, noise, and light pollution, degrading the AONB'S tranquil and dark qualities. As set out in the Management Plan, relevant Objective OQ3 is to develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty, and Objective OQ4 is to protect and promote the perceptual qualities that people value, including no loss of dark skies or tranquillity.
- 6.8 The High Weald AONB Unit has adopted a Performa assessment to determine whether a proposal in the High Weald AONB could be major development (based on the 'Maurici opinions' legal advice). This advice is that Major development is to be given its ordinary meaning, and it would be wrong to apply the definition of major development contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015. It would also be wrong to apply any set or rigid criteria for defining major development. The ordinary sense of the word 'major' is important and the decision maker should take a common-sense view as to whether the proposed development could be considered major development.
- 6.9 Using the High Weald AONB issued template performa, the Council has carefully considered the impact that has arisen from the development and, whilst it has judged that the development does not constitute major development for AONB purposes in NPPF terms, and therefore there is no requirement to demonstrate exceptional circumstances in the public interest to permit the development, it would be necessary to consider the impact on the designated landscape and ensure its character is conserved and enhanced by the development.

Conclusion on Principle

- 6.10 Given the above, it is considered in relation to the principle of the development, this would be justified in its countryside location under the terms of HDPF Policy 26. However, the development would have to comply with the remaining criteria set out under the policy, which are addressed in the relevant sections of the report which follow and all other relevant Local Plan policy and other material considerations.

Landscape and Trees

- 6.11 HDPF Policy 33 requires development is locally distinctive in character, respectful of the character of the surrounding area, of a high standard of landscaping and presumes in favour of the retention of natural features (such as trees and hedges). HDPF Policy 30 requires the natural beauty and public enjoyment of the High Weald AONB to be conserved and enhanced and opportunities for the understanding and enjoyment of its special qualities to be promoted.

- 6.12 The Horsham District Landscape Character Assessment identifies the site as situated within the landscape character area known as Wooded Ridge & Gyll Farmlands; key characteristics are historic parks and gardens, including Leonardslee; small to medium size irregular and regular-shaped pasture fields; and the strong pattern of woodlands, shaws and hedgerows. Overall sensitivity to change is identified as high. Conservation and restoration of historic parklands is identified in the Management Guidelines.
- 6.13 In the application to reopen the House and Gardens to the public (DC/18/0689) it was accepted parking would be necessary for the viability and enjoyment of the gardens notwithstanding this gave rise to harm. Measures to mitigate identified negative effects included retention of a large landscape buffer zone between the road and the car park, not only to screen activity within the site and parked cars from the public highway, but also to retain the historic connecting strip identified in the Listing and as mitigation of loss of the Wood-pasture and Parkland priority habitat. Retention of existing parkland trees and surfacing were also important considerations.
- 6.14 Compared with the 2021 car park built without planning permission (DC/21/1603), in the current application the southern car park is now designated as an overflow car park with grass sown over the truck pave system to return the area to a green parkland character; removal of the parking incursion into the original landscape buffer and proposed enlargement of this, and new tree planting to help screen the main road and break up the current area of unrelieved car parking. All of this reduces the harm from the current large formalised and permanent nature of the unauthorised car park which is not considered suitable for its sensitive location where the historic parkland character and setting can still be experienced.
- 6.15 The Council's tree officer believes that with suitable species, it should be achievable to improve vegetation and tree coverage in the car park over time, as the majority of parking spaces are outside of Root Protection Areas (RPAs), which is satisfactory. In the current proposal, the car park layout has been amended to take account of the RPA of a Veteran Oak, situated east of the new car park. To secure the delivery of these outcomes, the Council's Tree Officer has requested the imposing of conditions should approval be forthcoming. The applicant has agreed with your Officers to the submission of a Arboricultural Impact Assessment and Methods Statement and tree protection plan for approval (which are in production at the time of writing), together with a bespoke condition for details to be agreed outlining how the trees will be protected through the works in accordance with British Standard best practice, as it would be impracticable to fence off trees due to the need to remove existing hard/gravel surfacing around several trees as part of rectification works. An additional condition would confirm implementation of means of surface water disposal in accordance with the 2018 permission (DC/18/0689).
- 6.16 Nevertheless, the improvements offered by the new layout are viewed as quite modest by Sussex Garden's Trust as, in their view, the trees that are shown will hardly relieve the still-expansive mass of hard surface, and the overspill parking has no planting at all. Additionally, whilst the Garden's Trust welcomes the removal of parking alongside the main road and planting of the landscape buffer, it notes that no detailed planting plan has been included.
- 6.17 The District Landscape Architect shares some of these concerns, raising that the updated plan does not quite fully meet advice in terms of planting within the car park to enhance the parkland character. In critiquing of the latest plan, it is requested it is made clear the number of trees and hedgerow planting is indicative at this stage, and more is likely to be required so negotiations can be closed and there is certainty of what is being delivered and agreed.
- 6.18 Your Officers believe it is important to recognise the District Landscape Architect has not objected. The advice is the general principles secured by your Officers are in the right

direction. Mindful of this, the applicant has committed to the fine details emerging by continued negotiation to be secured by condition in the event of permission being forthcoming. This would cover consultee requests for, amongst other things, details of proposed trees and planting species, size, and densities and tree pit details etc, hard surfacing, and play area equipment. An additional condition would secure a revised and updated Landscape Management and Maintenance Plan for all landscaped areas within the red line, to include long term design objectives, management responsibilities and prescriptions.

Heritage

Policy

- 6.19 Statutory legislation and planning policy requires account be taken of the significance of heritage assets and viable uses consistent with their conservation (NPPF para 197(a)). Harm to the significance of heritage assets can result from their setting. Harm to heritage significance should have clear and convincing justification and should then be weighed against the public benefits of a proposal (paragraph 195, 200, and 202). HDPF Policy 34 states development of heritage assets must retain and improve the setting of the heritage assets including views, trees and landscape features.

Archaeology

- 6.20 Though Leonardslee House and Gardens is an Archaeological Notification Area, the Council's consultant Archaeologist notes the development applied for is unlikely to significantly impact on any below ground archaeology that might be present. For this reason, no archaeological recommendations are made.

Designated Asserts

Significance

- 6.21 The Gardens Trust is the statutory consultee for development impacting upon a Registered Listed Parks and Garden. The applicant, and Historic England and The Garden's Trust have assessed the significance of Leonardslee Gardens, as has the Council's Conservation Officer.
- 6.22 All parties agree the Primary Significance of Leonardslee lies in the Gardens, which Historic England credits as one of the best examples of a Plantsman's Garden in the South of England. The varying areas of the gardens are spectacular in season. The Rhododendrons, Leonardslee's most iconic plants, make Spring (from March to June), the most spectacular season. The grade II listed Mansion sits within the centre of the site with far ranging views afforded from the garden front of the house over the wooded valley.
- 6.23 The gardens and house are sited within a wider historic parkland. The areas that have now become car parking were part of the New Deer Parks. These, along with a connecting strip running northwards parallel to the main road, were historically open in character and laid to pasture dotted with occasional mature individual trees or small clumps. This pattern of landscape has developed little since the 1st edition OS map of 1874 and is thus of historic value. The house at Leonardslee was designed to be approached from the west through a series of sweeping drives across this open parkland. Views of the parkland were created along the gentle downhill course of the drive to the principal west front of the house. Lodges are located at the entrances to two of these drives to signal arrival. For these reasons, the area that has been developed for car parking is significant in heritage terms.

Impact - Harm

- 6.24 Despite amendment and refinement, this is still an application for a large amount of car parking on former parkland in the northwestern part of the wider site. This along with the existing parking, wide access roads and turning area in front of the visitor entrance building will result in a large area of parking across the western parkland and entrance to the estate. Within the 2021 areas of unauthorised unimplemented works, the historic landscape features of open parkland with trees and carriage drives has now been lost. The unauthorised car parking has also caused harm to the appreciation of a sense of arrival to an historic estate created by the main drive approach from the lodged entrance, through the parkland embellished with specimen and fenced clumps of trees. The Gardens Trust identifies possible horticultural harm associated with higher visitor numbers.
- 6.25 Following consultee advice, the car park redesign has been refined and amended to reduce its level of resultant harm so it is less than the harm that has arisen from the 2021 refusal; the current proposals will reinstate lost planting and trees and the reinstatement of the grass finish to the overflow car park and the hedge to the boundary, all of which enhance the parkland setting of the heritage asset. The new child play facilities and relocated chicken coops impacts areas of neutral significance, and the removal of the chicken coops will reinstate the original views over this parkland area, which is an enhancement of the parkland setting. The applicant has agreed that if permission were forthcoming, rectification of the unauthorised implemented works will be completed within 6 months.
- 6.26 Nonetheless, the Historic England (HE) advice of March 2023 was that the new car park is harmful to the significance of both the Registered Park and Garden and the Listed Mansion House, because it creates a very large amount of unrelieved, highly visible parking, roads and vehicular activity in an area of historic parkland and on the historic approach to the estate. It therefore will compromise an appreciation of the house and gardens as part of a former historic country estate with designed formal gardens set within a wider parkland setting. For HE, the scheme in March did not go far enough to address all concerns, and their advice was that the Council should seek further amendment and safeguards before weighting any remaining harm against the public benefits. At that time, Historic England judged the harm caused by the revised scheme, in NPPF terms, would be less than substantial and at the middle of that range.
- 6.27 Since March, the applicant and your Officers have negotiated further refinement to the scheme (from car park site plan drawing REV 6 to REV 10), taking heed of the Historic England advice which, amongst other things, recommended amendments sought to reduce, as much as possible, the amount of access roads, hardstanding and coach parking and that these are designed with an informal, rural character.
- 6.28 Amendments subsequent to the HE March advice, now includes;
- The applicant's offer of remedial and restoration works of the field north of the Round House with spoil and rubble heaps removed to take area back to grass. This is a heritage benefit to offset the harm caused by the car parking.
 - Submission of a revised Conservation Management Plan (REV 2) that sets out amended management recommendations to guide the development of the future business proposals for the site. It includes resurfacing of the immediate car park outside of the Mansion House, for example.
 - Reduction in the extent of the proposed overflow car park with consequentially reduced parking spaces accommodated within this area.
 - Removal of a further internal access road, routed from the car park to the service yard, with remedial and restoration works to restore this to grass field.
 - Commitment by the applicant to measures to better manage the car park situation seasonally, informed by the sustainable transport measures already implemented in accordance with the 2018 permission.

- Inspection of the trail seeding already taken place in the car park to the south by the Council's Landscape Architect, who is satisfied that this seeding would convincingly achieve a natural parkland appearance and that its restored condition can be maintained through the year by careful monitoring, maintenance and control used.
- The applicant has explained that coach parking numbers are as per the 2018 approved layout, only the layout has been rationalised.

- 6.29 In response to scheme amendments, the Sussex Gardens Trust and District Conservation Officer provided further advice. The Sussex Garden's Trust considers the Conservation Management Plan follows the standard Historic England sector format. In March, the District Conservation Officer supported the HE advice and considered the harm remained moderately less than substantial and supported the comments of the Sussex Gardens Trust. Following the latest amendments in May, the Conservation Officer supported the Trust's suggestion that the applicant commission a more comprehensive management plan for the registered park & garden; this would support an acceptable approach to ensuring the harm caused by the parking areas can be mitigated. As before, the District Conservation Officer judged the current proposal would cause less than substantial harm to the registered park and garden and the setting of the listed building to a moderate level.
- 6.30 Your Officers are now of the view that, having considered receipt of the amended responses received from The Sussex Gardens Trust and District Conservation Officer, together with the further amendments secured to the scheme subsequent to HE March advice, it is now appropriate as Authority to apply paragraph 202 of the National Planning Policy Framework, and weight the remaining harm against the public benefits.

Heritage Balance - Public Benefits

- 6.31 Both the Council and Historic England acknowledge the real need for parking Leonardslee House and Gardens, which is an increasingly popular attraction, and also that opportunities to accommodate parking are limited in this sensitive Registered Park and Gardens.
- 6.32 Your Officers believe it important to recognise that whilst the documents submitted identify plans for an increase in visitors to special events, in addition to normal visitors to the gardens, large scale events can and are already taking place under the existing planning permission and premises licence. Since the inception of a membership scheme to Leonardslee House and Gardens in the last 3 years, current membership has grown and in 2021 it was 7,000 members. The car park redesign is as much a response to this existing demand, as forecasted future visitor capacity.
- 6.33 The applicant has stated that current infrastructure of the estate is well short of visitor expectations to a modern visitor attraction. The applicant asserts car parking is the main constraint in terms of numbers of attendees. It is argued by the applicant that it is vital the gardens are open year-round to maximise revenue opportunities, and additional events are held year-round within the grounds to make the business viable and to pay for the continued restoration of the gardens. The applicant makes comparison with RHS Whisley as a similar venue.
- 6.34 To evidence their argument, the applicant details ticket sales to events across 2021 to 2023, summarised in the table below; events already held include 'Illuminated' a festive light trail, which runs for five weeks over the Christmas period; 'Enchanted' festival in August; and the floral fringe fair held during peak springtime when the gardens are already busy.

Event	Ticket Sales
Illuminated 2021	50,000
Illuminated 2022	80,000 over 24 nights
Illuminated 2023 (forecast)	110,000 over 32 nights

Halloween trail 2022	16,000 over 8 days
Halloween night-time trail 2023 (forecast)	60,000 over 14 days
Enchanted 2021	21,000 visitors over 6 days
Enchanted 2023	36,000 over 12 days
Floral Fringe Fair (2022)	8,500 visitors over 2 days
Floral Fringe Fair (2023)	8,500 visitors over 2 days

- 6.35 Additional calendar events for 2023 include The Labyrinth Challenge (expected 17,4000 visitors over 6 days); Spring Sounds (16,000 over 8 nights); Summer Nights – Wine and music event (12,000 over 6 nights). Smaller events are being expanded for 2023; Outdoor cinema over 8 nights (16,000 visitors), trail runs and car club visits. There is a programme of future events for 2024 including a wine festival, craft market, and Oktoberfest (each forecasted 12,000 – 15,000 visitors).
- 6.36 Finally, there is future expansion of existing facilities, subject to obtaining the relevant permissions from the Council. A new function space for large dinner functions such as weddings of up to 150 people; a new café/restaurant with an expanded food offer; and new improved visitor centre.
- 6.37 The applicant has recognised the Garden’s Trust’s concern of additional footfall pressure on the trees and shrubs in the gardens and on its infrastructure. The submitted Conservation Management Plan (CMP) and Conservation Garden Management Plan (CGMP) detail a series of policies for the use of Leonardslee house, gardens, and park buildings. A framework of Conservation and Management Principles set out proposed remedial actions and improved design and landscaping measures, identifying issues and setting out how they will be managed to avoid substantial horticultural harm to the trees and shrubs throughout the gardens, and hence substantial harm to the significance of the Grade I listed Gardens.
- 6.38 This includes better management of the car parking situation seasonally, with event management of the car parking pressures in the form of overspill parking. It is explained the range of one-off events held throughout the year are to supplement the income from the gardens, including Illuminated at Christmas and Enchanted in the Summer. The CMP recommendation is these should continue to be held to open the gardens up to more visitors, however care should be taken not to oversaturate the gardens with events. The increase in visitor numbers shall be carefully managed by the Estates Manager with close coordination with the Garden team. The increase in visitor numbers using the paths and tracks within the gardens will need to be regularly monitored and a plan in place to keep these maintained to a high level.
- 6.39 The CMP also confirms the use of the overflow car park should be limited per year to minimise the impact of use on the grass and allow time between events for it to recover. Management of the overflow car park will be conditioned for agreement with the Council to ensure these outcomes and how and when the car park is open and available for use. This will ensure the parkland views and the condition of the landscape are maintained. It is recognised the existing car park area and the overflow area need to be managed to ensure that the trees, both new and existing, planted within these areas are suitably maintained.
- 6.40 The CMP then identifies elements of the Gardens which appear particularly vulnerable for bespoke measures and/or investment including:

1. Opportunity for the reinterpretation of the area to the west of the house where the wing was previously removed. This would create more space within the house and potentially allow a link out to the gardens which is currently missing.
2. Provision of plant species information to help with conveying the site's history to the visitor, the lack of labelling on plants throughout the site being flagged by online reviews of the site.
3. Diversification of the gardens to extend the following seasons of interest, particularly winter and summer and make them attractive to visitors all year, and bring back repeat visitors for different seasons. Focusing on the presentation of the gardens with different interpretation during the summer months should be considered as Spring, Autumn and Winter are successfully being explored. This new interpretation within the gardens though will not be imposed too heavily and change the overall style landscape of the gardens. This has been addressed by the planting of the Maple Walk to bring autumn colour to the garden, and there are further plans to incorporate an Autumn fruit or berry garden to further peak visitor interest and attract wildlife. There are also opportunities to increase the attractiveness of the gardens during the summer, a season in which visitor numbers peak but the garden is mostly green, by planting summer trees throughout the gardens and house. The site's year-round interest has been diversifying through the putting on of events such as 'Leonardslee Illuminated', a festive walk through the gardens accompanied by a light show and various entertainments. It is said it is particularly important to bring visitors to the site during the winter months, when the natural garden is mostly dormant. The temporary sculpture exhibition by South African artist Anton Smith adds further interest to the garden, but online reviews have suggested a more diverse display of artworks would be preferable.
4. The gardens as they are currently presented do not appeal to children and young families. The element of intrigue for young visitors could be enhanced throughout the gardens opening them up for a wider audience to enjoy.
5. Provision of resources that the garden currently lacks; no working compost area, no plant quarantine, no wash-down area, no heated glasshouse, cold frames; a portable pump to drive sprinklers in dry periods; running repairs on paths regularly with control of weeds, pests and disease, including Japanese knotweed and naturalised rhododendrons.
6. Utilisation of the gardens and house are largely separate, so there is a disconnect between the two, with the history of the house largely ignored. Whilst the gardens hold more historic importance than the house, it would be beneficial to provide information for interested visitors, particularly of the role the house played during the Second World War, and the opportunities provided by the survival of many furnishings from that period.

6.41 The applicant has recognised the advised shortcomings of the submitted Conservation Garden Management Plan (CGMP) identified by The Sussex Garden's Trust. They have agreed that if permission were forthcoming that, within 6 months of the permission, Donald Insall Associates will be instructed to work alongside Leonardslee's head Gardener, and members of the Loder Family (Historic Owners of the Estate) to revise the submitted CGMP in such a way as to embed the history of the gardens into its management alongside a renewed focus on character areas, which will be more fully described, with a section covering Issues and Policies.

6.42 The formatting of the revised CGMP will be consistent with that prepared for the main house and other buildings, for the Insall Conservation Management Plan REV 2. As part of the submitted CMP REV 2, a detailed condition survey was undertaken of the listed Mansion House within the site which has been evidenced with an intended work programme produced utilising the recommendations within the CMP. It is considered that this could ensure that repair and maintenance work to the heritage assets are brought forward. Proceeds would finance those programmes of work and would be secured through the CMP.

- 6.43 Public benefits should flow from a development. Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Heritage benefits are to be treated as public benefits and can include reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long-term conservation.
- 6.44 The Construction Management Plan (CMP) and Conservation Garden Management Plans (CGMP) are necessary to manage the implications of the increases in visitor numbers, and the obligations of the CMP and CGMP would ensure that the proceeds from the development are utilised to conserve the site and the heritage assets within it. Whilst both could have been provided independently, should conditional permission be granted the CMP and CGMP would have to be implemented as part of it. Both documents would enhance the knowledge and information available relating to the special interest and significance of the whole site. Both would also enable an informed approach to be taken regarding the balance between the commercial and heritage interests involved in operating the visitor attraction and events with the additional visitors/vehicles on the site.
- 6.45 A condition survey of structures within the site has been undertaken as part of the submitted CMP with an intended work programme produced utilising the recommendations within the CMP. It is considered that this could ensure that repair and maintenance work to the heritage assets is brought forward. Proceeds would finance those programmes of work and would be secured through the CMP. Given the amount of finance that is forecast this could go towards securing the long-term repair and maintenance of these heritage assets. Moreover, the preparation of the CMP would provide a road map for the immediate future meaning that the risk of any further harm through incremental and/or cumulative changes would be minimised.

Conclusion on Heritage

- 6.46 Historic England and the Council's Conservation Officer continue to consider that the potential level of harm caused by the proposal, in NPPF terms, would be less than substantial and at no greater than the middle of that range. Paragraph 202 of the Framework requires a balance to be struck in each instance of less than substantial harm to the significance of a designated heritage asset.
- 6.47 In applying paragraph 202 of the NPPF, the balance is not even, and that great weight must be given to the conservation of the heritage assets in accordance with paragraph 199 of the NPPF. Your Officers have weighed this harm against the package of public benefits that the development has and would bring forward, including having the designated heritage assets undergoing maintenance through the Conservation Management Plan and Garden Conservation Management Plan. It is appreciated that achieving these benefits requires an income. Many of the large-scale events are popular. The supporting documents demonstrate the business will manage the negative impacts arising from these. Based on the evidence submitted, the applicant has provided appropriate information to enable a meaningful exercise in balancing benefit against harm, and the additional car parking has proven to be justified. As currently proposed, this development complies with HDPF Policy 34 and the NPPF.

Residential Amenity

- 6.48 Concerns from immediate neighbours on the impact of the proposal on their amenities are acknowledged. This is a consideration under HDPF Policy 33. Neighbour objections regarding amenity issues received on this application are focused on the impact of large-scale events. As the ticket sales evidence testifies, since the gardens reopened, a regular series of year-round events have been staged attracting thousands of visitors to the

gardens. These include late evening lightshow events in the cold winter months. The popularity of these events has seen the need for additional car parking, which is the reason why the permanent unauthorised car park to the south was constructed.

- 6.49 Provided these events are held in conformance to the planning conditions imposed on the 2018 permission to reopen the house and gardens, the primary means by which to address amenity concerns is through the premises licence and Environmental Health legislation (it is noted temporary use of the fields for up to 28 days of the year is available under The Town and Country Planning (General Permitted Development) (England) order 2015 (as amended)). Outside of large-scale events, it is considered the siting and physical distance of the redesigned car park and new play area from neighbours is sufficient to negate harmful impact upon their amenities during operational phase, including from possible limited light spill and noise from intermittent arrive and departure, when set against existing noise and disturbance backdrop of a popular visitor attraction.
- 6.50 A degree of noise and disturbance would arise from the construction phase but, subject to submission for approval of dust suppression mitigation and restriction on hours of implementation, the degree of harm arising from these impacts will not necessitate the imposing of condition for approval of management of this phase, given the site is large enough to accommodate for all other construction needs without giving rise to intolerable neighbour amenity harm.
- 6.51 External lighting can be controlled by condition to avoid excessive light pollution in the Area of Outstanding Natural Beauty and for ecological interests, and regarding the Institution of Lighting Engineers (ILE) guidance on Reducing Obstructive Light to eliminate potential light nuisance to neighbouring properties. The District Environmental Health Officer recommends low-level bollard lighting for the car park and paths.

Ecology

Protected and Priority Habitats and Species

- 6.52 The southern car park development has disrupted and resulted in some loss of grassland. Some trees have also been removed and disturbed. However, the condition of the habitat prior to development is difficult to determine. Certainty, from reviewing photographs and satellite images between Oct 2018 to June 2021, it is evident the habitat is likely to have been disrupted as it was impacted during the northern car park development and re-seeded. Soil from the construction of the north car park in spring 2018 was spread over the area that is now the southern car park. By April 2020 there was further disruption with the removal of small trees to the north of the site. The habitat is likely to be of a degraded quality to some extent as a result.
- 6.53 The preliminary ecological appraisal and roost assessment has identified the site contains trees assessed as having high suitability for roosting bats. These trees will be retained. There is a high likelihood that bats will use the site for foraging and commuting activity. Recommendations to reduce impacts on bats species on site post-development is provided. The proposed car park does not contain artificial lighting columns to help limit potential impacts to bats, for example. An external lighting design strategy will be devised with consideration of areas/features on site sensitive for bats and likely to cause disturbance. The woodland boundary that extends the western edge of the Site provides limited suitable habitat for dormice, reptiles and great crested newts due to its sparse understory and ground flora. The areas of Ancient Replanted Woodland will not be impacted.
- 6.54 Precautionary approaches are recommended for hazel dormouse, reptiles, hedgehogs, and Great Crested Newts. There does not appear to be any evidence of badgers surrounding the site, and it is unlikely dormice were directly impacted. It is possible the grassland

provided some terrestrial habitat prior to the development (for plant species, Great Crested Newts, hedgehog, reptiles, and amphibians) but the habitat was disrupted between 2018 and 2021. The loss of the trees likely represents a loss of nesting bird habitats.

Biodiversity Restoration and Enhancement

- 6.55 To minimise net biodiversity loss, a 30-year Landscape and Ecological Management Plan (LEMP) will be secured as part of the contractual agreement for the future management of the site. This includes measures such as hedgerow reinstatement, grassland and woodland management, and provision of bird/bat nesting opportunities. Overall, 0.62km of hedgerow will be planted and some 56 trees planted across the site. Existing areas of woodland and grassland will be enhanced. This includes the creation of approximately 0.28ha of grassland within an area currently comprising bare ground with a large field adjacent to the north of site, within the Estate. Based on the representative assumptions for reasonably achievable habitat creation on and offsite, a post-development biodiversity net gain of 16.03% will be delivered within the development boundary. This has been calculated taking account of the biodiversity value of the habitats lost in 2018. The proposal includes reinstatement of grass to the area of the Veteran tree, located in the southeast of the site. A root protection area is to be implemented.

Summary on Ecology Matters

- 6.56 The Council's consultant Ecologist has reviewed the Retrospective Ecological Assessment (Ecology and Habitat Management Ltd, Oct 2021) supplied by the applicant, relating to the likely impacts of the development on Protected & Priority habitats and species, and the identification of proportionate mitigation. The Council's Ecologist is satisfied sufficient ecological information is available for determination. This has provided sufficient certainty for the Local Planning Authority of the likely impacts on Protected and Priority species. This has enabled the Local Planning Authority to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 6.57 Given the disruption of the habitat between 2018 and 2020, it is considered the car park development and the impact it has had on ecology interests can be mitigated by condition (as the advice of the Council's consultant Ecologist). A Landscape and Ecological Management Plan and Biodiversity Enhancement Strategy will be secured by condition to deliver these measures. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Such outcome follows the Council's endorsed Biodiversity and Green Infrastructure Planning Advice Note (Oct 2022).

Highways Impacts

- 6.58 HDPF Policies 40 and 41 requires safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and delivery of goods. In addition, Policy states that adequate parking and facilities must be provided within developments to meet the needs of the anticipated users including cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired. Furthermore, Policy 10 of the HDPF relating to rural economic development requires adequate car parking requirements to be accommodated satisfactorily within the immediate surrounds of the buildings, or that an alternative, logical solution is proposed.
- 6.59 The permitted use of the Leonardslee House has been secured under previous planning approval in 2018 and in earlier permissions. The on-site parking provision secured in 2018 comprised a newly formalised visitor car park north of the site entrance, with the grassed field at the car park exit used for overflow parking during events. This provision was judged adequate to accommodate parking need arising from the permitted planning use, in accordance with HDPF policy 40. In the current proposal, no changes are to be made to

the existing access arrangements onto Long Hill (A281), which was demonstrated to operate safely in 2018 and therefore in compliance with HDPF Policy 41.

- 6.60 No change of use of the site is sought under this current application. As no operation change of use of the site is being proposed as part of the current application, the Local Highway Authority is of the view that the car parking provision is essentially ancillary to the permitted uses on site which will continue to generate trips regardless of the parking provision on site. This includes large-scale events already occurring at Leonardslee.
- 6.61 As such any excessive parking demand generated by the site is viewed as an existing situation which would need to be accommodated somewhere, either informally within the site (as has occurred previously with the grassed field at the car park exit for overflow parking during events), or elsewhere on the highway network. The Local Highway Authority (LHA), West Sussex County Council, considers the additional parking areas as a benefit in highways terms as they are either formalising areas that have been used informally for parking, or they are providing a place for parking that would have had to have taken place elsewhere on the network.
- 6.62 Parking demand created by specific ad-hoc events would also be subject to additional licencing requirements, at which time consideration can be made if the event needs additional traffic management at the access points due to the increased visitor demand / trip generation.
- 6.63 The layout of the spaces in the revised car park design is such that vehicles would be able to access and turn within the confines of the site. Electric charging points have been provided in proposals for electric vehicles both in the car park and in front of the house as well as cycle storage. These provisions reflect the limitations of uptake given the rural locality of Leonardslee and cost of EV infrastructure. In this case, it is considered the applicant is best placed to understand the anticipated needs of their own visitors, and the proposed break down of coaches, cars, electric cars, disabled parking spaces and bicycles is judged adequate provision to serve their needs and in compliance with HDPF Policy 41 on that basis. Beyond approval of wheel washing mitigation with the Council, the highway management of the construction phase is not judged to necessitate prior agreement from the LHA.
- 6.64 Given the principle of the proposal does not specifically generate an increased use of the site, your Officers agree with the LHA position that it would be difficult to substantiate that the proposed additional parking will generate additional trips to the site. On that basis the Local Highways Authority, and likewise your Officers, do not consider that the proposal would have unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and is therefore not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Overall Conclusions and Planning Balance

- 6.65 In bringing together all the planning matters as previously set out, your officers have exercised the weighted consideration of these, and reached a recommendation that is finely balanced.
- 6.66 Leonardslee Gardens is of exceptional interest as a registered Grade I historic park and garden with its main house Grade II Listed. Its significance lies as one of the best examples of a plantsman's garden in the South of England, according to Historic England. The works applied are within the parkland setting of these heritage assets, within the High Weald Area of Outstanding Natural Beauty (ANOB). Following advice from specialist consultees, the proposed car park redesign has been refined and amended, being now informed by a Heritage Appraisal and Conservation Management Plan and Garden Conservation

Management Plan, and subject of a masterplan framework for a detailed landscaping strategy.

- 6.67 The proposal is for a reconfiguration and expansion of the car park only. It does not seek to change the use of the site. The proposed car park reconfiguration facilitates rectification of unauthorised implemented works, by supporting the return of the overflow car surface back into grassland to make good the harmful effect of the car park built without planning permission, with provision when needed for large events. The new parking layout and relocation of the chicken coops will have beneficial impact on the views looking southeast from the carpark, combined with the changes to estate tracks to grass covered truck pave. Reinstatement of the grass field north of the Round House, tree planting within the previously approved car park, and an enhanced landscape buffer along the A281 will all positively contribute to the parkland setting of the Registered Gardens and Listed Building. The location of the children's play area has neutral impact on the setting of the main house.
- 6.68 As now amended, after careful consideration, it is judged the scale and extent of development within the setting of the heritage assets has been sensitively located and designed to minimise impacts on the designated ANOB landscape. The latest car park redesign has reduced the heritage harm of the 2021 development, as identified by Historic England and The Gardens Trust: the very large amount of unrelieved, highly visible parking and vehicular activity in an area of historic parkland and on the historic approach to the estate. It has resulted in a development proposal that will lead to less than substantial harm to the significance of designated heritage assets.
- 6.69 National Policy instructs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 202 of the NPPF). There was no dispute between parties that any ensuing harm to the significance of the registered garden and listed buildings on site is and would be, in the language of the NPPF, less than substantial in nature
- 6.70 Your Officers welcome the recent investment made by the current owners in the restoration and maintenance of parts of the gardens. Officers also recognise a need for sufficient levels of revenue to secure the sustainable future of Leonardslee. There is evidenced existing demand for visitor parking. There is evidenced intent of future ambitions and investment by the current owners, with clear and convincing justification for provision to manage on-site future visitor parking appropriately and sensitively. As National Policy instructs, Significant weight is placed by your Officers on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (para. 81).
- 6.71 The development would result in heritage benefits. A Conservation Management Plan (CMP) is advocated by heritage consultees. Whilst that CMP could have been provided independently, should conditional permission be granted the CMP would have to be implemented as part of it. The CMP, allied with a revised Garden Conservation Management Plan (CGMP), would enhance the knowledge and information available relating to the special interest and significance of the whole site. It would also enable an informed approach to be taken regarding the balance between the commercial and heritage interests involved in operating the visitor attraction and events with the additional visitors/vehicles on the site. Both set obligations on the owner to reinvest revenue proceeds into repair and maintenance of the heritage assets on site. These benefits should attract substantial weight.
- 6.72 It is noted the Local Highway Authority has not objected to the proposal. Amenity impacts largely originate from events held at the venue rather than car park activity of itself. Such events (existing and future) are controlled through the Environment Health licence regime, with opportunity for additional controls by planning condition to safeguard amenity from

intolerable impacts. The new children's play area will encourage outdoor play. The proposed landscaping scheme that would be implemented through the imposition of planning conditions would result in net gains to biodiversity and this would be over and above what is required as mitigation and therefore those net gains offer a wider public benefit. This attracts minor weight as a public benefit. This addresses the third reason for 2021 refusal on the retrospective car park works.

6.73 Therefore, on final balance, it is considered the public benefits of the proposal, as amended, outweigh the overall harm to the designated heritage assets, and the reasons for the 2021 refusal have been addressed. It is concluded that, overall, the development meets the policy requirements of the National Planning Policy Framework and is in accordance with the development plan (the Horsham District Planning Framework) when read as a whole. There are no material considerations of sufficient weight to justify anything other than granting planning permission for the development. Your Officers therefore recommend the application be approved subject to conditions.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

Conditions:

1. Approved Plans

2. Pre-Commencement Condition: No further development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery, or materials onto the site, until a statement outlining measures for protection of all trees and planting to be retained on the site throughout all construction works has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site that positively contribute to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets in accordance with Policies 25, 30, 31, 33 and 34 of the Horsham District Planning Framework (2015).

3. Pre-Commencement Condition: No further development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until a BS5837:2012 compliant tree survey with a detailed Arboricultural Impact Assessment and Methods Statement (AIA&MS) and tree protection plan (TPP), has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

THE AIA&MS shall include setting out how removal of existing surfaces with the RPAs of retained trees is intended to limit the impact the impact on the trees, including those in the parking spaces on the southern boundary of the northern carpark and the reinstatement of the landscape buffer between the A281 and details of remedial works to de-compact the ground around the veteran Oak tree.

The AIA&MS shall also include how the new surfaces and equipment will be installed in the playground.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees on the site that positively contribute to the settings of Designated Heritage Assets within the High Weald Area of Outstanding Natural Beauty in accordance with Policies 25, 30, 31, 33 and 34 of the Horsham District Planning Framework (2015).

- 4. Pre-Commencement Condition:** Within 1 month shall commence until an updated Construction Environmental Management Plan (CEMP) has been approved in writing by the Local Planning Authority. The updated CEMP shall be informed by the details already agreed and discharged under planning reference DISC/23/0078 related to the New Gardeners Compound planning application DC/20/0119 and details for the provision of additional wheel washing facilities and dust suppression facilities. The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5. Pre-Commencement Condition:** Within 3 months of the date of this permission a drainage strategy statement detailing the means of surface water disposal for the development shall be approved by the local planning authority, informed by the approved drainage details for planning permission DC/18/0689. The development shall be carried out in accordance with the approved drainage scheme and drawings.

Reason: As this matter is fundamental to ensure that the development is properly drained to comply with Policy 38 of the Horsham District Planning Framework (2015) and to ensure the successful and satisfactory protection of important trees and hedgerows on the site that positively contribute to the settings of Designated Heritage Assets within the High Weald Area of Outstanding Natural Beauty in accordance with Policies 25, 30, 31, 33 and 34 of the Horsham District Planning Framework (2015).

- 6. Pre-occupation Condition:** Within 6 months of the date of this permission, the rectification works listed below shall have been completed with details to be agreed by the local planning authority, other than associated planting which shall be completed in the first planting season following completion of the works.

I. removal of the unauthorised car park spaces within the previously approved landscape buffer approved under DC/18/0689 and incorporation of this land into an enhanced landscape buffer between the car park and A281.

II. partial retention but reduction of the unauthorised parking area to the south of the exit, with the gravel top layer removed, and grass seed/soil installed above the existing Truck Pave system. The grass seed will be an all-purpose law mixture suited to a wide range of domestic and landscape applications.

Reason: As this matter is fundamental to mitigate harm that has arisen onto the setting of Designated Heritage Assets, the landscape character within the High Weald Area of Outstanding Natural Beauty, and in the interests of visual amenity and to conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 7. Pre-Occupation Condition:** Within 6 months of the date of this permission a revised Conservation Management Plan and allied Conservation Garden Management Plan for the Registered Park and Garden shall be submitted to and approved in writing by the Local

Planning Authority. The Conservation Management Plan and allied Conservation Garden Management Plan once approved shall thereafter be implemented as specified within the approved documents. The Plans shall be informed by the Historic England and Gardens Trust consultation response submitted to this application.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets, and in the interests of visual amenity in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 8. Pre-Occupation Condition:** No part of the development hereby permitted shall be used or brought into use until a revised and updated landscape management and maintenance plan (LMMP) (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscaped areas within the red line has been submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed and maintained in accordance with the approved details. The LMMP shall be informed by the Landscape Management and Maintenance Plan (Dated: 12.09.2018) approved under planning permission DC/18/0689.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets, and in the interests of visual amenity and to conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 9. Pre-occupation Condition:** Prior to commencement of use of the development hereby permitted a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the compensation and enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 10. Pre-occupation Condition:** Prior to commencement of use of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

11. Pre-Occupation Condition: No part of the development hereby permitted shall be used or brought into use until full details of all hard and soft landscaping works for that part of the development (a/b/c) shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) All the development:

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- knee rail around retained tree, this must be notes in the plan and retained to protect the tree's RPA from compaction when car park is in use
- Clarity to extent of hard surfacing area to be retained for access to overflow car park
- location of the entrance gate to the parking area when in use
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments and bin provision

(b) Play Area:

- installation of surfacing and play equipment within RPA's
- Demonstrate on plan minimum required activity play surfacing met in accordance with suppliers' recommendations
- detail for proposed type of play surfacing and bin provision.
- Artificial grass proposed near playhouse meets critical fall height for equipment in accordance with BS EN1176
- play areas require steel footings be included with all pieces of timber play equipment to prolong their life shelve
- post installation inspection by RoSPA recommended prior to play area being open to the public

(c) Main (northern) Car park:

- Increase planting and softening within the car park. Proposed trees should be connected as a soft strip and planting hedgerow in between

- knee rail around existing mature tree to avoid ingress into RPA's

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets, and in the interests of visual amenity in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 12. Pre-Occupation Condition:** No part of the development hereby permitted shall be used or brought into use until the provision of electrical vehicle charging points has been completed in accordance with approved plan drawing CP 2000 REV 10 and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 13. Pre-occupation Condition:** The development shall not be used or brought into use until an external lighting design strategy has been submitted to and approved in writing by the local planning authority for biodiversity and eliminate potential light nuisance to neighbouring properties. The strategy shall be informed by plan LTG/01 and Bat Lighting Strategy produced by The Ecology Consultancy (dated 04.10. 2018) under planning permission DC/18/0689. The strategy shall have regard to the Institution of Lighting Engineers (ILE) guidance on Reducing Obstructive Light with the positioning of any proposed external security lighting. The strategy shall include:

- a) identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) low-level bollard lighting is recommended for the car park and paths.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect the amenities of nearby residents and to conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 14. Pre-Occupation Condition:** The car parking hereby approved shall not be used until the re-configured estate road routing has been completed in accordance with approved plan drawing CP 2000 REV 10.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 15. Pre-Occupation Condition:** The overflow car park shall not be used or brought into first use until a management plan for its operation has been approved in writing by the Local Planning Authority. The plan shall set out when and how the overflow car park is open and available to use.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets, and in the interests of visual amenity in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 16. Regulatory Condition:** The provision for 16 cycle parking stands shall retained in accordance with the details approved under planning permission DC/18/0689.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 17. Regulatory Condition:** The access and egress facilities (including visibility splays) as provided in accordance with approved plans CP 2001 Rev C and CP 2002 Rev B shall be retained and be maintained at 2.4 metres by 120 metres and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To ensure safe access to and from the highway network has been provided to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 18. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment v2 (Temple Ltd, April 2023) and the Biodiversity Net Gain Assessment v2 (Temple Ltd, April 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 19. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/22/2229



Planning Committee North – 4th June 2023

UPDATES

1. AGENDA ITEM 7: Leonardslee Gardens, Brighton Road, Lower Beeding

Planning Advice Note: Lower Beeding Neighbourhood Plan and Water Neutrality (June 2023):

- 1.1 Subsequent to the writing of the Committee Report, in June 2023 Horsham District Council endorsed a Planning Advice Note (PAN) that highlights how the policies in the Lower Beeding Neighbourhood Plan (LBNP), are considered to align with National Planning Policy. This Planning Advice Note forms a material consideration to take into account by decision makers when determining planning applications. For the proposal at Leonardslee, the relevant LBNP policies are those listed at para 2.1 of the committee report; policies 1, 2, 3, 4, and 18.
- 1.2 As the PAN highlights, subject to water Neutrality being demonstrated, LBNP Policies 1, 2, 3, 4 are considered consistent with the NPPF and carry Significant weight. Policy 18 is identified as carrying Significant weight. Given the weight afforded to the LBNP at referendum stage by the PAN, is Significant, it is important to consider the relevant LBNP policies in the assessment of the proposal, as summarised below.
- 1.3 As detailed at Section 6 of the Committee Report, the proposal is ancillary to the existing use of the site (LBNP Policy 18) and, as amended, is considered to conserve, and enhance the natural environment and landscape character (LBNP Policy 2), in part by incorporating landscaping and additional trees and hedging to provide new biodiversity net gain opportunities aligned with the ecology of the Parish (LBNP Policy 1), to mitigate and compensate for past loss of green infrastructure (LBNP Policy 3). The proposed car park redesign will incorporate sustainable resource measures (LBNP Policy 4) and in and of itself will have no significant detrimental or unacceptable impact on residential amenity or the local road network.
- 1.4 Therefore, for these reasons and those already set out in the Committee Report, the development proposal is considered in compliance with the Lower Beeding Neighbourhood Plan, which is a material planning consideration of Significant weight at Referendum stage.

Habitat Regulations Assessment (HRA) Screening: Arun Valley Sites

- 1.5 In September 2021, the Council received a Position Statement from Natural England that it cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site (the Arun Valley sites). It advises that development within this

zone must not add to this impact and one way of achieving this is to demonstrate water neutrality.

- 1.6 The development proposal includes a play area with a water play element. On the technical plan drawing, a water pump is shown integral to one piece of play equipment within a 'water play' area. Since the agenda has been published, the applicant has clarified the installation and confirmed the intention is to install a water recycle system as part of the play area installation, this would be using rainwater filtered through a plant system to clean. It was never intended to connect to mains water for this piece of equipment.
- 1.7 The above outcome can be secured by an amended Condition 11 as set out in the committee report, as below:

Pre-Occupation Condition: *No part of the development hereby permitted shall be used or brought into use until full details of all hard and soft landscaping works for that part of the development (a/b/c) shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:*

(a) All the development:

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details*
- knee rail around retained tree, this must be notes in the plan and retained to protect the tree's RPA from compaction when car park is in use*
- Clarity to extent of hard surfacing area to be retained for access to overflow car park*
- location of the entrance gate to the parking area when in use*
- Details of all hard surfacing materials and finishes*
- Details of all boundary treatments and bin provision*

(b) Play Area:

- installation of surfacing and play equipment within RPA's*
- Demonstrate on plan minimum required activity play surfacing met in accordance with suppliers' recommendations*
- detail for proposed type of play surfacing and bin provision.*
- Artificial grass proposed near playhouse meets critical fall height for equipment in accordance with BS EN1176*
- play areas require steel footings be included with all pieces of timber play equipment to prolong their life shelfe*
- post installation inspection by RoSPA recommended prior to play area being open to the public*
 - Details of the water recycle system as part of the play area installation, using rainwater filtered through a plant system to clean, with no connection to mains water.*

(c) Main (northern) Car park:

- Increase planting and softening within the car park. Proposed trees should be connected as a soft strip and planting hedgerow in between*
- knee rail around existing mature tree to avoid ingress into RPA's*

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character within the High Weald Area of Outstanding Natural Beauty and the settings of Designated Heritage Assets, to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).and in the interests of visual amenity in accordance with Policies 25, 30, 31, 32, 33, 34 of the Horsham District Planning Framework (2015).

- 1.8 Horsham District Council, as Competent Authority under its duties under the Habitat Regulations, has undertaken a screening that has concluded, given the absence of intention to connect to the mains water for the play area 'water play' equipment, that without mitigation in place, it is possible to rule out likely significant effects. As the development will not affect any of the sensitive features/threats to the Arun Valley SAC/SPA/Ramsar site, the LPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' to Arun Valley SAC/SPA/Ramsar site. Therefore, this assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

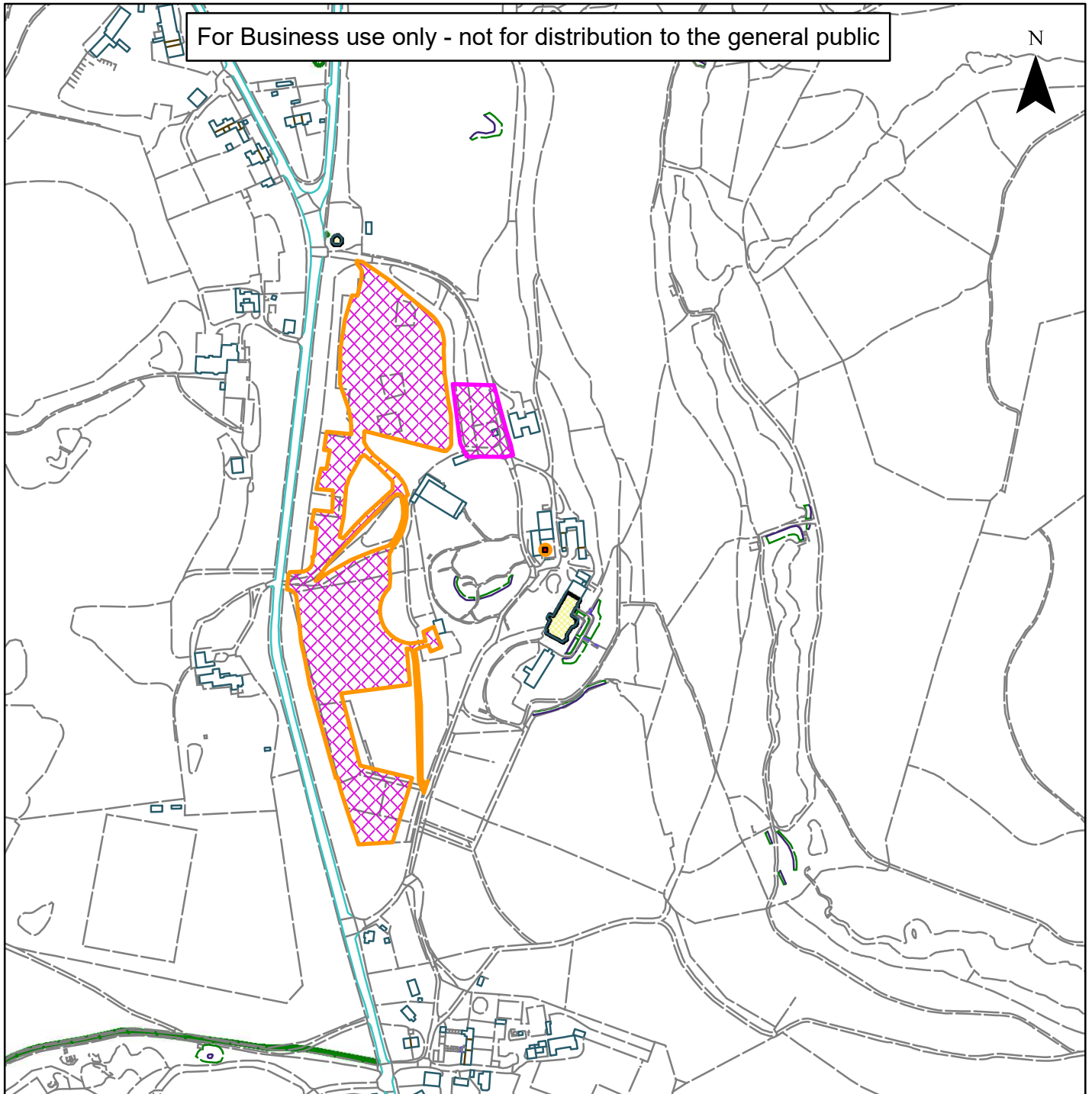
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Leonardslee Gardens, RH13 6PP

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Organisation	Horsham District Council
Department	
Comments	
Date	22/06/2023
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th July 2023

DEVELOPMENT: Demolition of agricultural workshop and erection of a detached single storey dwelling.

SITE: Coomers Farm Wimland Road Faygate West Sussex RH12 4SR

WARD: Colgate and Rusper

APPLICATION: DC/23/0085

APPLICANT: **Name:** Mr and Mrs John Heydon, and Mrs E Cockram
Address: Coomers Farm Wimland Road Faygate West Sussex RH12 4SR

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from the Local Plan.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the demolition of the existing building and the erection of a 2-bed single storey residential dwelling.

1.3 The proposed development would replicate the footprint of the existing building with the proposed roof pitch being slightly greater than the existing. The proposal would incorporate windows and doors to all elevations, with a ramp provided to the eastern elevation and steps to the south.

1.4 The existing access would be used, with parking provided for 2no. vehicles. An area of amenity space is proposed to the east and west of the building.

DESCRIPTION OF THE SITE

1.5 The application site is located to the west of Wimland Road, outside of the designated built-up area boundary. The site is in agricultural use, and comprises a number of agricultural buildings used for, among other things, the storage of hay and the keeping of livestock. The residential dwelling associated with the farm is located to the south-east of the site.

- 1.6 The subject building is located centrally within a complex of agricultural buildings, with an internal courtyard located to the north and west of the subject buildings. The buildings comprise blockwork and brick, with Building A used as a workshop and store, and Building B comprising a former loose box building now used for incidental storage. Building B includes a wood framed roof that sits on brick walls, with the area underneath this remaining open. The wider area is laid to hardstanding, with the main thoroughfare to the agricultural land located immediately to the north of the subject buildings.
- 1.7 The wider area is characterised by open countryside and sporadic residential dwellings.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.5 Rusper Neighbourhood Plan

- Policy RUS1 – Spatial Plan
- Policy RUS2 – Rural Diversification
- Policy RUS3 – Design
- Policy RUS10 – Dark Skies
- Policy RUS11 – Promoting Sustainable Transport

2.6 Planning Advice Notes

- Facilitating Appropriate Development
- Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/0712	Prior approval for change of use of agricultural building to residential (C3) to form 1no dwelling.	Prior Approval Required and PERMITTED on 26.05.2021
DISC/21/0245	Approval of details reserved by condition 2 on application DC/21/0712	Application Permitted on 03.11.2021

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** Detail required for rainwater harvesting scheme

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** The site is located and accessed via Wimland Road which is an unclassified road subject to 40mph speed limit. Vehicular access to the site will be utilised through the existing access arrangements with no proposed alterations. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. Given the small-scale nature of proposal and other uses making use of the existing access to exit onto Wimland Road, this proposal is not anticipated resulting in a material intensification of use onto the public highway.
- 3.4 The WSCC Car Parking Demand Calculator would expect 3 parking spaces to be provided for dwelling of this size and location. The proposed plans demonstrate onsite parking provision of 2 spaces, and these spaces accord with the minimum requirement of 2.4 x 4.8m per single bay as outlined in Manual for Streets (MfS) guidance. The potential shortfall of 1 space is not anticipated to result in highway safety concern, given that there are comprehensive parking restriction that prohibit vehicles to park at places that are detriment to the highways safety.
- 3.5 The site is situated in a rural area therefore the occupants of the proposed dwelling will be reliant upon a use of a car. Covered and secured cycle storage can be provided as an alternative transport mode. A suitably worded condition is included below if the LPA considers this achievable.
- 3.6 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- 3.7 **Natural England:** Standing Advice:-
- 3.8 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

- 3.9 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.10 **Rusper Parish Council:** No objection provided the previous conditions are maintained

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the demolition of the existing building and the erection of a 2-bed single storey residential dwelling.

Principle of Development:

- 6.2 The application site is located outside of any built-up area, and within the countryside in policy terms, where residential development is more greatly restricted. The application site has however been subject of a Class Q Prior Approval under planning reference D1/21/0712 which was approved on 26.05.2021. The application submission confirms that works have commenced on-site to implement the permission, with the Council's Building Regulations file confirming this to be the case. The Pre-Commencement condition imposed on the approval has been discharged, with confirmation provided that the extant permission would be completed if the current application is not approved. This extant permission is therefore considered to represent a realistic fallback position.
- 6.3 The application seeks planning permission for the demolition of the existing building and replacement with a 2-bed residential dwelling. The proposed dwelling would sit on the footprint of the former building, with a slightly greater roof pitch and resulting height than the existing building. The proposal would provide 2no. bedrooms, a reduction compared with the

approved scheme, accordingly it is not considered that the current proposal would result in a greater activity than the extant fallback permission.

- 6.4 The proposed development would also offer improvements in energy efficiency and sustainability, with the proposal improving the quality of accommodation provided. These are considered to be benefits of weight in the planning assessment.
- 6.5 The application site benefits from an extant Class Q Prior Approval relating to the conversion of an agricultural workshop to a 3-bed dwelling. It is confirmed that works to implement this approval have started, with the Pre-Commencement condition having been discharged. This Prior Approval is therefore considered to represent a realistic fallback, with the proposed development also considered to offer improvements in the quality of accommodation and the energy efficiency and sustainability of resulting development. On the balance of these considerations, the proposal is considered acceptable in principle, subject to all other material considerations.

Design and Appearance:

- 6.6 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.7 Policy RUS3 of the Ruser Neighbourhood Plan states that proposals for new development must be of the highest design standards, and will be required to reflect the character and scale of surrounding buildings.
- 6.8 The application seeks to demolish the existing building and for its replacement with a new building over the former footprint. The existing building sits modestly within the context of the farm complex but is of a relatively standard brick-built design, there is no objection to its demolition. The replacement development would reflect the appearance and scale of the existing building, albeit that the roof would be greater in pitch and height. The proposal would reflect a traditional vernacular expected within a rural locality, with the proposal considered to sit comfortably within the context of the wider site.
- 6.9 It is recognised that the proposal would incorporate a greater number of windows than the previous planning approval, with the introduction of roof lights considered to further domesticate the building. Given the extant permission, which approved a number of windows and doors to all elevations, it is not considered that the proposed scheme would result in such significant impact on the character and appearance of the rural locality to justify a reason for refusal. On the balance of these considerations, the proposal is considered to be of an appropriate design and vernacular that would relate sympathetically to the wider surroundings, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 6.10 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.11 The proposed dwelling would be located at a distance from the nearest residential property to the south-east. Given this relationship, it is not considered that the proposal would result in unacceptable harm to the nearby residential properties through overlooking, loss of light,

or privacy. The proposed development is therefore considered to accord with Policies 32 and 33 in this regard.

Highways Impacts:

- 6.12 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.13 The proposed development would utilise the existing vehicular access to the site, with no alterations proposed. 2no. parking spaces are to be provided.
- 6.14 Following consultation with WSCC Highways, an inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- 6.15 Given the small-scale nature of proposal and other uses making use of the existing access to exit onto Wimland Road, this proposal is not anticipated resulting in a material intensification of use onto the public highway.
- 6.16 The WSCC Car Parking Demand Calculator would expect 3 parking spaces to be provided for dwelling of this size and location. The proposed plans demonstrate onsite parking provision for 2no. spaces, which would represent a shortfall of 1no. off-street parking space. It is however recognised that the wider site benefits from sufficient space to accommodate parking needs, and it is not anticipated that this would cause an impact on highway safety or amenity.
- 6.17 For these reasons, the proposed development is not considered to result in harm to the safety or function of the public highway network, and would on balance, provide adequate parking for all users. The development is therefore considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

- 6.18 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.19 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.20 The application site benefits from an extant prior approval for the conversion of an existing building to a 3-bed residential dwelling under reference DC/21/0712. The Pre-Commencement condition has been discharged and it has been confirmed that works have begun to implement the approval. It is also confirmed that the Prior Approval would be carried out should the current proposal be refused. This extant permission is therefore considered to represent a realistic fallback.
- 6.21 The current proposal seeks the demolition of the building and the replacement with a 2-bed residential dwelling. The development would provide 1 bedroom less than the approved

scheme, and it is therefore considered that there is no clear or compelling evidence to suggest the nature and scale of the proposed would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change:

- 6.22 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.23 Should the proposed development be considered acceptable, the following measures to build resilience to climate change and reduce carbon emissions:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points
- 6.24 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

- 6.25 The application site benefits from an extant Prior Approval for residential development. This extant permission is considered to represent a realistic fallback, with the principle of residential development for 1no. dwelling established on the site. The proposed development would be similar in size and nature to the extant permission and would not therefore be considered to result in a further intensification of activity within the countryside location. The proposed development would improve the quality of accommodation and would offer improvements in energy efficiency and sustainability. These are considered to be material considerations of weight. The proposal would improve the quality of the development when compared with the approved scheme, and the principle of development is therefore considered acceptable.
- 6.26 The proposal would reflect a traditional vernacular anticipated within a rural location and is considered to relate sympathetically to the character and built form of the wider surroundings. The proposal would result in no adverse harm to the amenities of nearby residential properties and would not have a detrimental impact on the safety and function of the public highway network. Furthermore, the development would result in no greater water consumption than the extant Prior Approval.
- 6.27 For these reasons, the development is considered to accord with all relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

1 **Approved Plans**

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with the approved Block Plan. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the Proposed Elevations Plan reference 2017/23/28 rev B unless detail of alternative materials have been submitted

and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture on the agricultural holding of Coomers Farm, or a widow or widower of such a person, and to any resident dependants.

Reason: In order to address the potential noise, disturbance and odour impacts arising from the adjacent uses, and in the interests of the amenity of future occupiers.

- 10 **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the Preliminary Contamination Risk Assessment by EAS Ltd dated August 2021 approved under reference DISC/21/0245.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

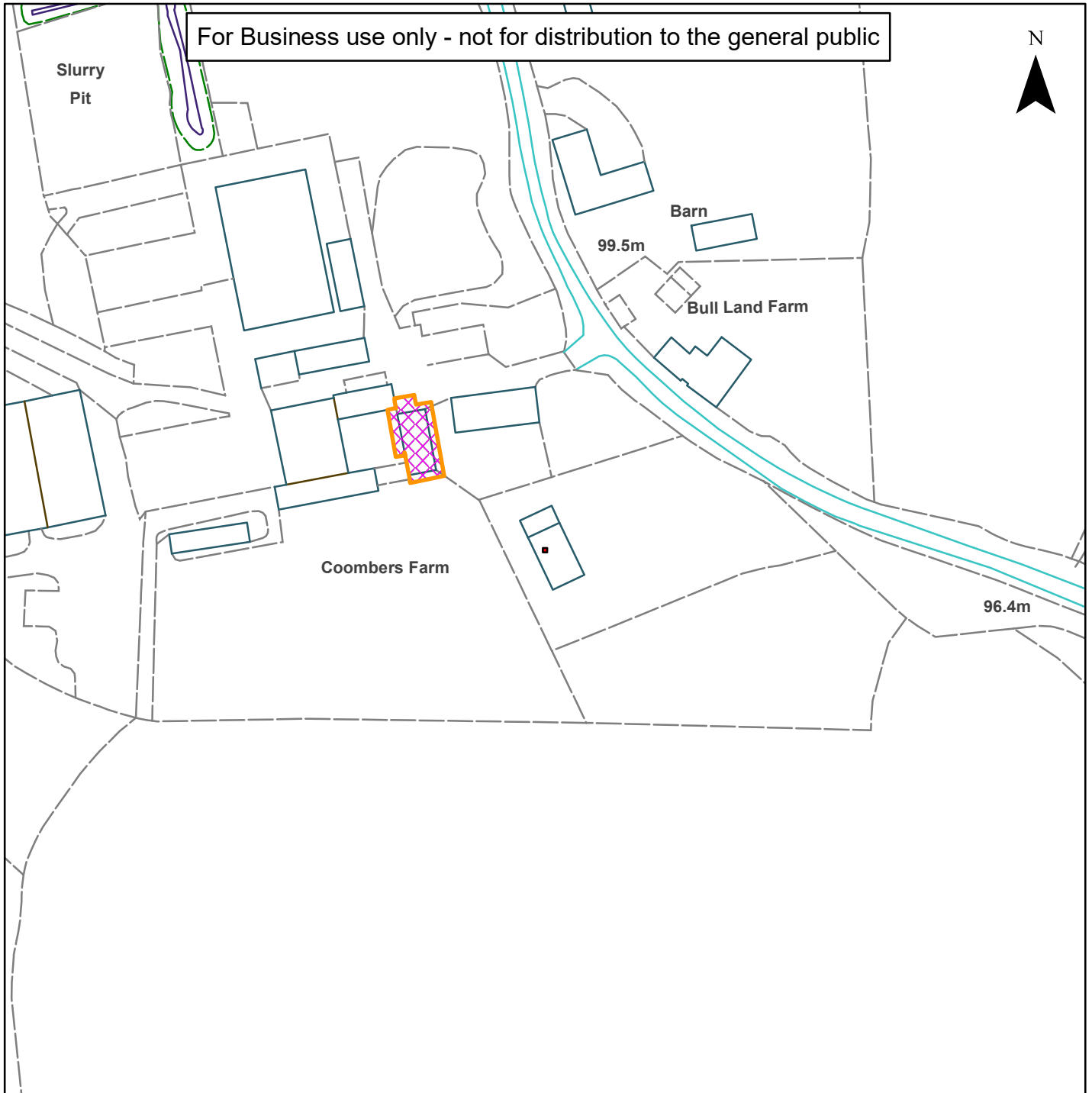
- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, AA, and B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and] in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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Coombers Farm, RH12 4SR



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Comments	
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th July 2023

DEVELOPMENT: Removal of existing shed and part demolition of an outbuilding to provide parking. Alterations to fencing to alter access and vehicular access from the Cemetery. Replacement of an existing window and addition of a door.

SITE: Cemetery Lodge Guildford Road Horsham West Sussex RH12 1TT

WARD: Denne

APPLICATION: DC/23/0304

APPLICANT: **Name:** Horsham District Council **Address:** Parkside Chart Way
Horsham West Sussex RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The application was made by Horsham District Council.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is seeking planning permission for the removal of existing shed and part demolition of an outbuilding in order to provide on-site parking. The application also proposes alterations to fencing to alter the access and vehicular access from the Cemetery, together with the replacement of an existing window and the addition of a door.

DESCRIPTION OF THE SITE

1.3 The application site comprises a two-storey detached dwelling that sits in at the entrance to Hills Cemetery, in the North-East corner of the site. It is located within the built-up area of Horsham. It is noted that a number of dwellings back onto the cemetery and the Lodge.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

2.5 **Horsham Blueprint Business Neighbourhood Plan 2019-2036**

- Policy HB3 – Character of Development
- Policy HB4 – Design of Development

2.6 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/14/2500	Existing Staff Mess Room - Mess Room to have layout alterations, Structural strengthening and refurbishment works including infilling existing external door with masonry to match and small window and new Velux rooflights to roof (Certificate of Lawful Development - Existing)	Application Permitted on 19.12.2014
HU/266/79	2 storey extension to form office and 3rd bedroom (From old Planning History)	Application Permitted on 29.10.1979

3. **OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL AGENCIES

3.2 **HDC Waste:** None received (*any comments will be reported at Planning Committee*).

OUTSIDE AGENCIES

3.3 **Denne Neighbourhood Parish Council:** Objection. HDNC objected to the application until they received further information about the location of bin storage. There were queries about whether the collection vehicle can access the narrow road to Cemetery Lodge area, or if residents will be expected to wheel the bins up to Guildford Road which would not be satisfactory for an assisted living property.

3.4 **WSCC Highways:** The site is located and accessed via private access road that leads to the publicly maintained Guildford Road, an A-classified road subject to 30mph speed limit. The site is approx. 120m distant from the publicly maintained Guildford Road.

3.5 There are no visibility issues at the access point with Guildford Road. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents at the access point with Guildford Road, caused by the road layout. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. This proposal is not anticipated to result in a material intensification of use onto Guildford Road.

- 3.6 Part of the existing outbuilding is to be demolished to accommodate a single disabled parking bay. The proposed disabled car parking bay complies with the minimum requirements of 2.4 x 4.8m plus 1.2m hatched area.
- 3.7 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- 3.8 **Natural England:** Standing Advice:-
- 3.9 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 3.10 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.11 None received.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The character of the dwelling and visual amenities of the area.
- The impact on amenity.
- Highways.
- Water Neutrality.

Design and Appearance

- 6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties. Policy 33 of the HDPF states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.
- 6.3 Policy HB3, Character of Development, of the Horsham Blueprint Business Neighbourhood Plan states that – *“Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”*.
- 6.4 The proposed part-demolition of the outbuilding, which sits to the south of the Lodge, would remove the eastern part of the building. A shed to the west of the dwelling would also be removed, with new timber close board fencing implemented to separate the remaining outbuilding from the main dwellinghouse, as this remains in use by ground staff at the Cemetery. The outbuilding is not considered an intrinsic part of the Lodge, with the demolition having little harm on the setting of the main dwelling. It would open the outlook from the nearest windows on the main house, decluttering the site. The demolition would allow for a disabled car parking space, providing access to the dwelling from outside the main area of the Cemetery.
- 6.5 Minor alterations are proposed to the Lodge itself, with no change to the existing footprint, with the proposed replacement of an existing window and the addition of a door. A new access ramp is proposed on the eastern elevation, which would serve a new entry door. The existing door on the southern elevation will be removed and replaced with a window, as well as the existing door on the western elevation, which will be infilled. A further window on the southern elevation will also be removed. Furthermore, the existing chimney would be removed, which is not considered a feature of architectural significance. The alterations to the fenestration would have minor impacts on the character and appearance of the main dwellinghouse, with the relocation of the entrance to be accessible from outside the main Cemetery, considered to have little impact on the dwelling and surrounding area.
- 6.6 Alterations to the fencing to alter to the access are proposed to accommodate the creation of a ramp and off-street parking. With the main door relocated to the east elevation, a ramp is provided for access from the disabled car parking space. The ramp would be low to the ground and is not considered to significantly impact the appearance of the dwelling. In order to enable the installation of a ramp and off-street parking, part of the existing steel palisade fencing will be removed. The alterations would improve access for those with limited mobility. With further internal improvements proposed to the layout, maintaining appropriate levels of access and ample nature light.
- 6.7 The existing uPVC windows will be replaced with white painted timber sliding sash windows. The design of the replacement window will reflect the design of the original windows at the dwelling. As materials that closely match the existing dwellinghouse are

proposed, it is considered that the proposal would reflect the form, scale and detailing of the existing building and appear as coherent and sympathetic additions.

- 6.8 An external Air Source Heat Pump would be located on the south elevation, between the main building and outbuilding, providing heating for the building. This would sit more than 1m away from the curtilage boundary and would have no discernible impact on the character or appearance of the site or surrounding area.
- 6.9 Overall, the proposed development is considered appropriately designed and scaled in relation to the main dwellinghouse and surroundings. The combined impact of the proposal and alterations would result in significant improvements to energy efficiency and accessibility. It is therefore not considered that the works would have a detrimental impact on the appearance of the house or the wider area. With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout and appearance.

Impact on Amenity

- 6.10 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.11 The relationship between the application site and adjoining properties and land together with the scale and nature of the proposed alterations is such that no unacceptable harm to amenity would result from the proposal.
- 6.12 The Neighbourhood Council's concerns, regarding bin storage and collection, on the proposal are acknowledged. However, the proposal does not amount to a change of use on the site and would not materially alter the nature of accommodation being provided, or the related off-site servicing arrangements. There is ample room for bin storage on site and the proposed development would not prejudice such storage taking place. It is considered that given the nature and extent of the works the bin storage and collection arrangements would not amount to any harm for which a refusal of planning permission would be warranted.
- 6.13 The proposed is therefore considered to accord with Policy 33(2) of the HDPF.

Impact on Parking Provision

- 6.14 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point
- 6.15 The proposal would not be expected to result in a material intensification of use of the existing access onto Guildford Road, and there are no visibility issues or concerns relating to this access point. The proposed parking space meets minimum size requirements for a single disabled parking bay and its provision is welcomed.
- 6.16 The Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. There are considered to be no reasons to take a different view, and the highway impacts of the proposal are considered acceptable and in accordance with the above policies.

Water Neutrality

- 6.17 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.18 Overall, the proposed development, given the nature of the proposal and the limited impact on both the existing dwelling and wider surroundings, is not anticipated to result in harm. The alterations to the access will result in an improvement to the pre-existing arrangements, that allows access for those with limited mobility, and without having to enter the cemetery. As such, the application is considered to be in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions:

1 **Approved Plans**

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

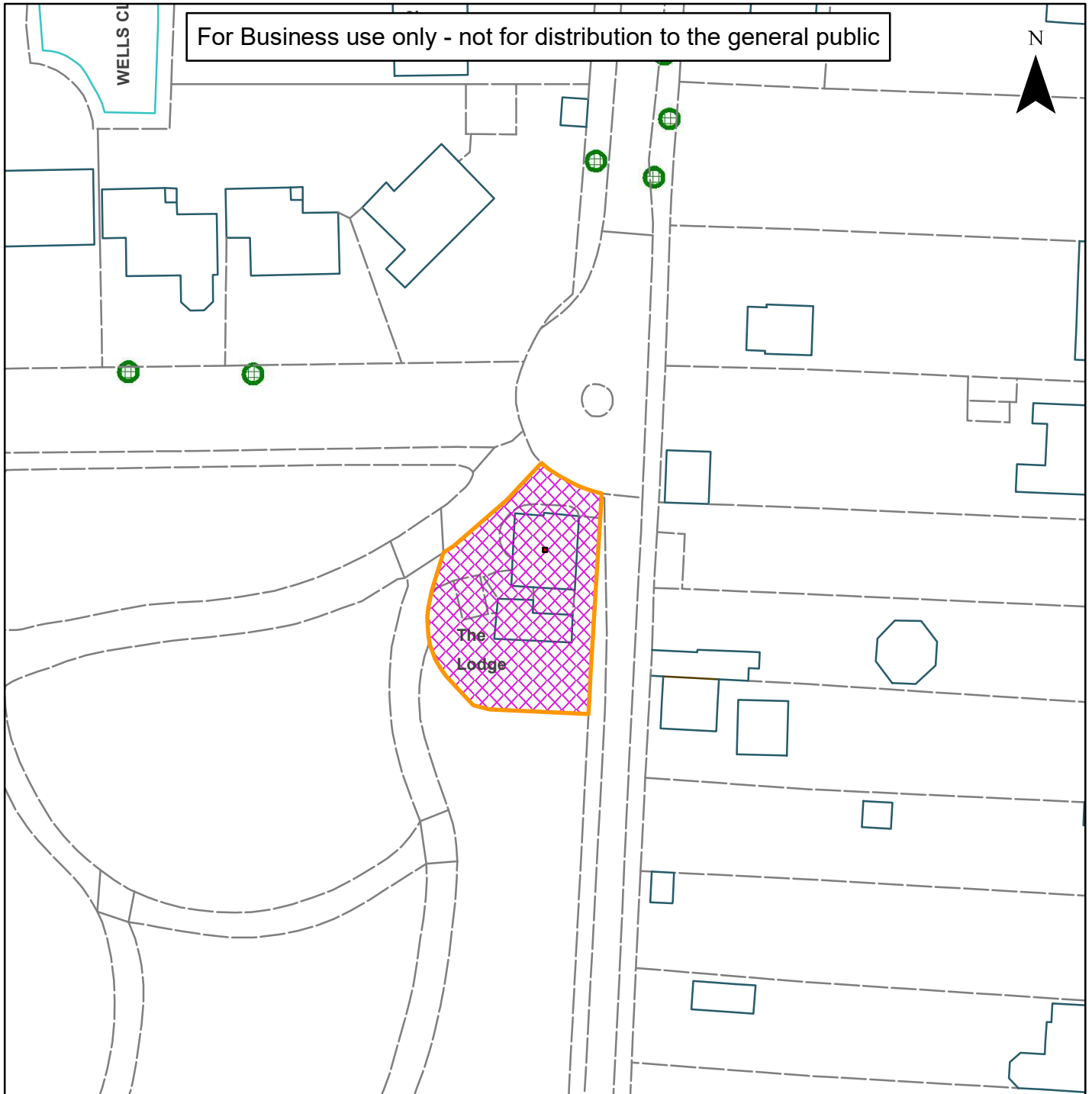
Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/23/0304



Cemetery Lodge, RH12 1TT

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Scale: 1:625

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Comments	
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th July 2023

DEVELOPMENT: Installation of 2no. 5.0m galvanised steel poles with 3no. night vision, solar/battery powered CCTV cameras with audio.

SITE: Ben's Field, Staker's Lane Southwater Horsham

WARD: Southwater South and Shipley

APPLICATION: DC/23/0638

APPLICANT: **Name:** Mr Justin Tyler, Southwater Parish Council **Address:** Beeson House, Lintot Square, Southwater, Horsham, RH13 9LA

REASON FOR INCLUSION ON THE AGENDA: The site is owned by Horsham District Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This application seeks to install CCTV cameras at the proposed replacement Skate Park at Stakers Lane, Southwater. Planning permission was granted in September 2022 for a replacement skate park in the same location as the previous skate park (DC/21/0845). Works have not started on the new skate park.

1.3 The CCTV cameras would be installed on 5 metre high galvanised steel poles with anti-climb brackets and a concrete base set into the ground. The poles have already been installed on site and are positioned in the south-east and north-west corners of the site. One pole will have two cameras and one will have one camera, which collectively will provide visibility across the whole site without any blind spots.

1.4 The CCTV cameras will be solar power operated with 4G wireless connectivity.

DESCRIPTION OF THE SITE

1.5 The application site is the site of the Southwater Skate Park, initially permitted under DC/05/2308 but was subsequently lost to a fire in 2020. The site is located outside of the Built Up Area on the edge of Southwater Country Park accessed via pedestrian pathway from Stakers Lane.

- 1.6 The site sits within a clearing in the wooded area known as Ben's Field, around 25 metres from an electricity sub- station to the south east and 95 metres from the nearest residential property to the west. The site covers around 590 square metres and is flat and hard surfaced.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Community Facilities, Leisure and Recreation

- 2.2 RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan

SNP6: Local Community Space

SNP16: Design

- 2.3 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

- 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/0845	Installation of replacement street sports facility.	Application Permitted on 09.09.2022
DC/05/2308	Change of use of land from agricultural grazing land to country park incorporating overflow car parking for country park for up to 100 days per year and establishment of a street sports facility (Bens Field).	Application Permitted on 27.01.2006.

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Parks and Countryside:** No Objection

OUTSIDE AGENCIES

- 3.3 **Sussex Police Designing Out Crime Officer:** Comment (Received in response to full planning application for the new skate park DC/21/0845)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in Horsham district being above average when compared with the rest of Sussex, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles.

In order to reduce the opportunity for crime and the fear of crime and having spoken at length with the local policing team Inspector at Horsham - consideration needs to be given to the implementation of localised crime prevention measures at the site.

Areas of play should be situated in an environment that is stimulating and safe for all children and young people and be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Given as indicated in point 6.4 above that the skate park has 'naturally become more densely wooded' in order to ensure clear arcs of surveillance for users of the facility - consideration needs to be given to clearing this wooded area to ensure the personal safety of users. I also recommend that any associated ground planting be no higher than 1 metre with tree canopies no lower than 2 metres.

This arrangement provides a window of observation throughout the area by creating as much natural surveillance as possible. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime.

Given that the former skatepark was lost to fire all materials used within the construction of the new facility need to be of a non-combustible nature. In order to reduce incidents of tagging graffiti preventative coatings should be used.

To reduce potential incidents surrounding knife crime or drug use/dealing the siting of CCTV will act as a visual deterrent and can help assist in offender identification should an incident occur.

Given the probability that the skate park will be used until late into the evening especially during the summer months – the siting of lighting needs to be a consideration. Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues.

Recent events that have made national news have become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. Additionally, all lighting should be commensurate with any installed CCTV system, ensuring imagery is adequate during daytime, dark and low-level periods.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective – but would respectfully ask that the suggested measures aimed at tackling vandalism and antisocial behaviour as detailed above are given due consideration.

3.5 **Southwater Parish Council:** No Objection

PUBLIC CONSULTATIONS

3.6 None received

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 This application proposes to install CCTV cameras at the re-built Southwater Skate Park in line with Southwater Parish Council's CCTV Policy (May 2023). It is considered that the development will help to contribute towards the reduction of both fear of crime and actual criminal activity by the visible introduction of security cameras and associated signage at the facility.

6. PLANNING ASSESSMENTS

Principle of Development, Design and Appearance

6.1 Policy 43 of the HDPF 'Community Facilities, Leisure and Recreation' states that 'The provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities'.

6.2 Policy 33 of the HDPF relates to development principles and states that proposals should (where appropriate) incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and surrounding area.

6.3 Policy SNP16 of the Southwater Neighbourhood Plan states that all new development should provide a good level of security... in terms of personal safety, crime prevention and increased community cohesion.

6.4 DC/21/0845 has the following condition (2) attached to the planning permission:

Pre- Occupation Condition: No part of the development hereby permitted shall be first occupied until full details of the installation of any CCTV and all external lighting have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6.5 This condition was recommended in accordance with the aim of providing safe and accessible places for all and the concept of 'Crime Prevention through Environmental Design'. However when the details were submitted to the Council it was determined that separate planning permission was required, hence this planning application. If this planning application is approved, the original condition can be discharged subject to lighting details being acceptable.
- 6.6 The application relates to the provision of two, five metre high poles and CCTV cameras to cover the skate park facility with no blind spots. The installation of CCTV at this site will be carried out in line with Southwater Parish Council's adopted CCTV Policy May 2023, prepared in consultation with the HDC Community Safety Officer. This is operated independently from the District Council's CCTV by the Parish Council. The CCTV cameras installed will record locally onto an SD card, backed up to the cloud, in accordance with the Parish Council's CCTV Policy. Signage will be displayed stating that the area is constantly monitored by CCTV. These will be displayed on the CCTV poles as well as the public entry to the site.
- 6.7 The proposal is considered to be necessary for crime prevention and the design of the installation is appropriate in this context. The cameras will sit against a backdrop of tall and mature vegetation and will not appear overly prominent. The cameras will be intentionally clearly visible from within the site to help in the reduction of actual crime and fear of crime, and act as a deterrent from acts of crime and disorder. The principle of development and its subsequent visual impact is therefore considered acceptable in accordance with the above policies.
- 6.8 The proposal would not result in harm to neighbouring amenity and would not materially influence water-abstraction such as to contribute to the potential adverse impact on the Arun Valley sites by way reason increased abstraction. The proposal, therefore, would be considered compliant with the provisions of HDPF policy 33 in respect of residential amenity and policy 31 in respect of biodiversity impact, in addition to the relevant provisions of the Conservation of Habitats and Species Regulations 2017.

7. RECOMMENDATIONS

- 7.1 To grant planning permission, subject to the conditions listed below:

Conditions:

1. In accordance with approved plans
2. **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Regulatory Condition:** The CCTV installed on site shall be monitored and maintained in accordance with the Parish Council CCTV Policy May 2023 or CCTV Policy adopted by the parish which supersedes this.

Reason: In the interests of community safety and the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10) DC/23/0638

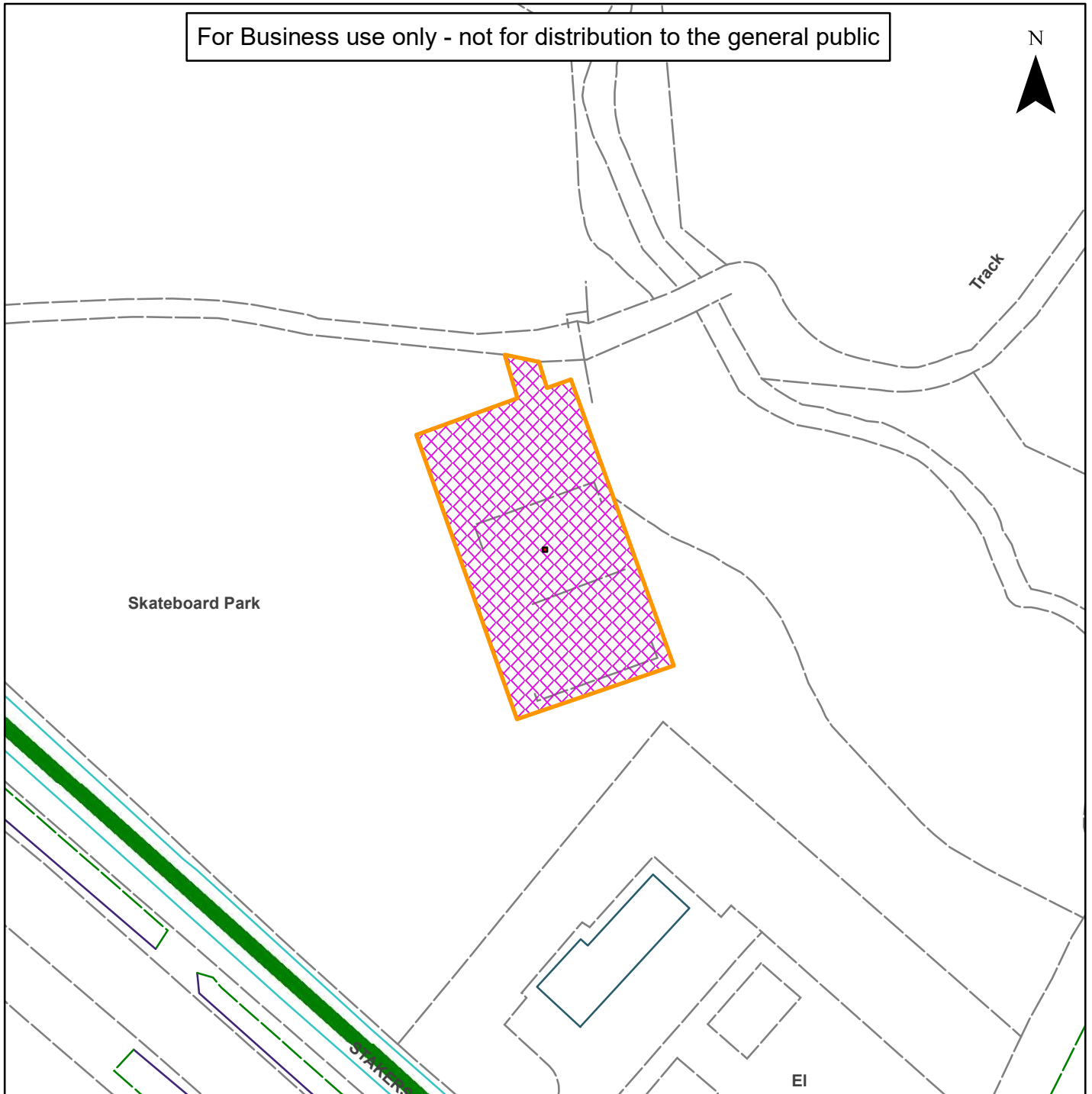


**Horsham
District
Council**

Ben's Field, Staker's Lane, Southwater

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Organisation	Horsham District Council
Department	
Comments	
Date	22/06/2023
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